

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, November 5, 2009 3:30 P.M.  
City Council Chambers  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF OCTOBER 22, 2009 ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

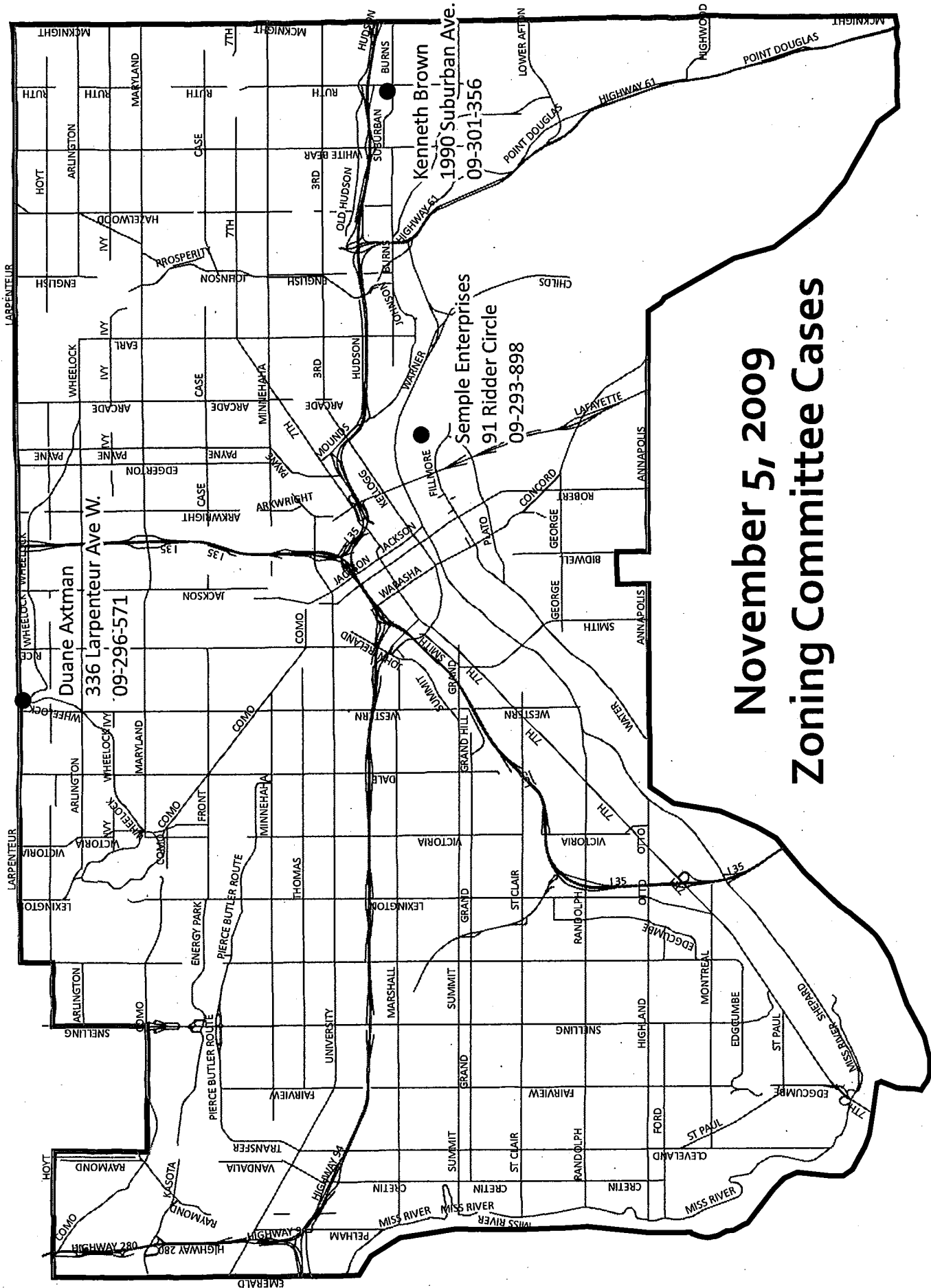
**NEW BUSINESS**

- 1      09-296-571   Duane Axtman**  
Conditional Use Permit for auto repair  
336 Larpenteur Ave W, between Western and Farrington  
B3  
Sarah Zorn    651-266-6570
  
- 2      09-301-356   Kenneth Brown**  
Conditional Use Permit for indoor recreation center  
1990 Suburban Ave, between Ruth and Burns  
TN2  
Sarah Zorn    651-266-6570
  
- 3      09-293-898   Semple Enterprises**  
Establish legal nonconforming use status for concrete and asphalt processing operation  
91 Ridder Circle  
I2  
Josh Williams 651-266-6659

**ADJOURNMENT**

**ZONING COMMITTEE MEMBERS:** Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have



# November 5, 2009 Zoning Committee Cases

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Duane Axtman Sr. **FILE #** 09-296-571
  2. **APPLICANT:** Duane Axtman Sr. **HEARING DATE:** November 5, 2009
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 336 Larpenteur Ave W, between Western and Farrington
  5. **PIN & LEGAL DESCRIPTION:** 242923120008, EDWIN M. WARE'S CUMBERLAND ADDITION  
PLAT 2 SUBJ TO AVE;THE FOL; EX E 13.27 FT;THE N 217 FT OF LOT 2 & E 26.54 FT OF N  
217 FT OF LOT 3 BLK 1
  6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** B3
  7. **ZONING CODE REFERENCE:** § 65.705; §61.501
  8. **STAFF REPORT DATE:** October 22, 2009 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** October 5, 2009 **60-DAY DEADLINE FOR ACTION:** December 4, 2009
- 

- A. **PURPOSE:** Conditional Use Permit for auto repair
- B. **PARCEL SIZE:** 100 feet (Larpenteur) x 150 feet = 15,000 sq. ft.
- C. **EXISTING LAND USE:** Used Auto Sales
- D. **SURROUNDING LAND USE:**  
North: City of Roseville  
East: Vacant car wash (B3) and Linder's Garden Center (RM1)  
South: Vacant Land (R2)  
West: Office use (B3)
- E. **ZONING CODE CITATION:** §65.705 lists the standards and conditions for auto repair stations;  
§61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** There is no zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council had not commented at the  
time this report was prepared.

### H. FINDINGS:

1. The applicant has been operating a car sales business for the past fifteen years and wishes to add an auto repair component. The applicant would like to service the cars on site for customers as well as do warranty work on the vehicles sold. Car repair services would be available to the general public; however, the applicant states that the majority of the business would be generated by existing customers. Auto repair stations are conditional uses in the B3 zoning district; therefore the applicant has requested the necessary permit.
2. In the past, the applicant has had a lease agreement with Ramsey County to use right of way property on the south side of Larpenteur Avenue. The most recent lease expired on December 31, 2007. According to Ramsey County Public Works, the lease is in the process of being renewed and should be approved at an upcoming board meeting in November.
3. The applicant has been working with the Department of Safety and Inspections on the number of vehicles allowed on the lot and enforcement issues regarding the use of neighboring property to display for-sale vehicles and for maneuvering space. In addition, the auto sales business currently encroaches on City-owned parkland to the south; a condition of the auto sales license is the installation of a fence along the applicant's southern property line.
4. §65.705 lists the standards and conditions that must be met for auto repair stations:
  - (a) *The minimum lot area shall be fifteen thousand (15,000) square feet. This condition is met. The lot area is 15,000 square feet. In addition, the portion of right of way leased from Ramsey County constitutes an additional 5,000 square feet.*
  - (b) *A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjoining an existing residence or adjoining land zoned residential.*

This condition can be met provided the applicant installs a screen fence along his south property line. There is a significant grade change between the auto sales business and residentially used property to the south. The parcel immediately south of the property was acquired from the County as tax-forfeit, to be used for park purposes and will remain open space.

- (c) *All repair work shall be done within an enclosed building.* This condition is met. The applicant states that repair work will be conducted within the existing garage on site.
- (d) *There shall be no outside storage.* This condition is met. The applicant has agreed both as part of this application and as a condition of the auto sales license issued by DSI that there will be no outside storage.

5. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The District 6 plan emphasizes the importance of a strong and vital commercial and industrial base. The land use chapter of the Comprehensive Plan calls for a mix of land uses, and emphasizes the need to mitigate land use conflicts with careful design and appropriate screening.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met. A driveway is located off of Larpenteur Avenue that can provide adequate ingress and egress for the site. However, aerial photographs show that the existing driveway is often blocked by for-sale vehicles and it appears that access to the site is obtained via a driveway on neighboring property. If the applicant refrains from parking vehicles in the driveway, this condition will be met.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The auto repair use can be considered accessory to the existing auto sales business. The site is located such that the auto sales and repair business will not negatively impact the character of development in the immediate neighborhood.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The auto repair use will not preclude other uses allowed in the B3 zoning district.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use complies with the requirements listed in the B3 zoning district.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for auto repair subject to the following additional condition(s):

- 1. The applicant shall comply with those conditions attached to the auto sales license issued by DSI, except for the condition prohibiting vehicle repair.
- 2. The applicant shall construct a fence and remove the encroachment on property owned by the City of Saint Paul prior to receiving a license for and operating an auto repair business.
- 3. The applicant shall maintain a current lease with Ramsey County for the use of right of way property along Larpenteur Avenue.
- 4. Per the DSI license conditions, the total number of vehicles permitted on site (inclusive of the Ramsey County right of way) is not to exceed fifty-seven (57), this includes for-sale, customer and employee vehicles. Fourteen (14) parking spaces shall be maintained for customer and employee parking.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development  
 Zoning Section  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102-1634  
 (651) 266-6589

Zoning office use only  
 09-296571  
 750.00  
 Representative Hearing Date  
 11-5-09

750.00  
 11/05/09  
 PD=6

#242923120008

**APPLICANT**

Name Duane Artman Sr.  
 Address 16160 6<sup>th</sup> St. N  
 City Lakeland St. MN Zip 55043 Daytime Phone 612-801-4550  
 Name of Owner (if different) \_\_\_\_\_  
 Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

**PROPERTY LOCATION**

Address / Location 336 W Larpenieur Ave St. Paul, MN 55113  
 Legal Description \_\_\_\_\_  
 Current Zoning B3  
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of  
 Chapter 65, Section 705, Paragraph a, b, c, e of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

PURPOSE OF APPLICATION IS TO ADD AUTO REPAIR TO EXISTING SECOND HAND MOTOR VEHICLE SALES BUSINESS AT THIS LOCATION. I WANT TO DO REPAIRS ON MY VEHICLES, WARRANTY'S & CUSTOMERS. I JUST WANT A COMPLETE REPAIR FACILITY ALONG WITH MY USED VEHICLES.

OK  
 15862  
 750.00

☐ Required site plan is attached

Applicant's Signature Duane R Artman Date 9-28-09 City Agent pd

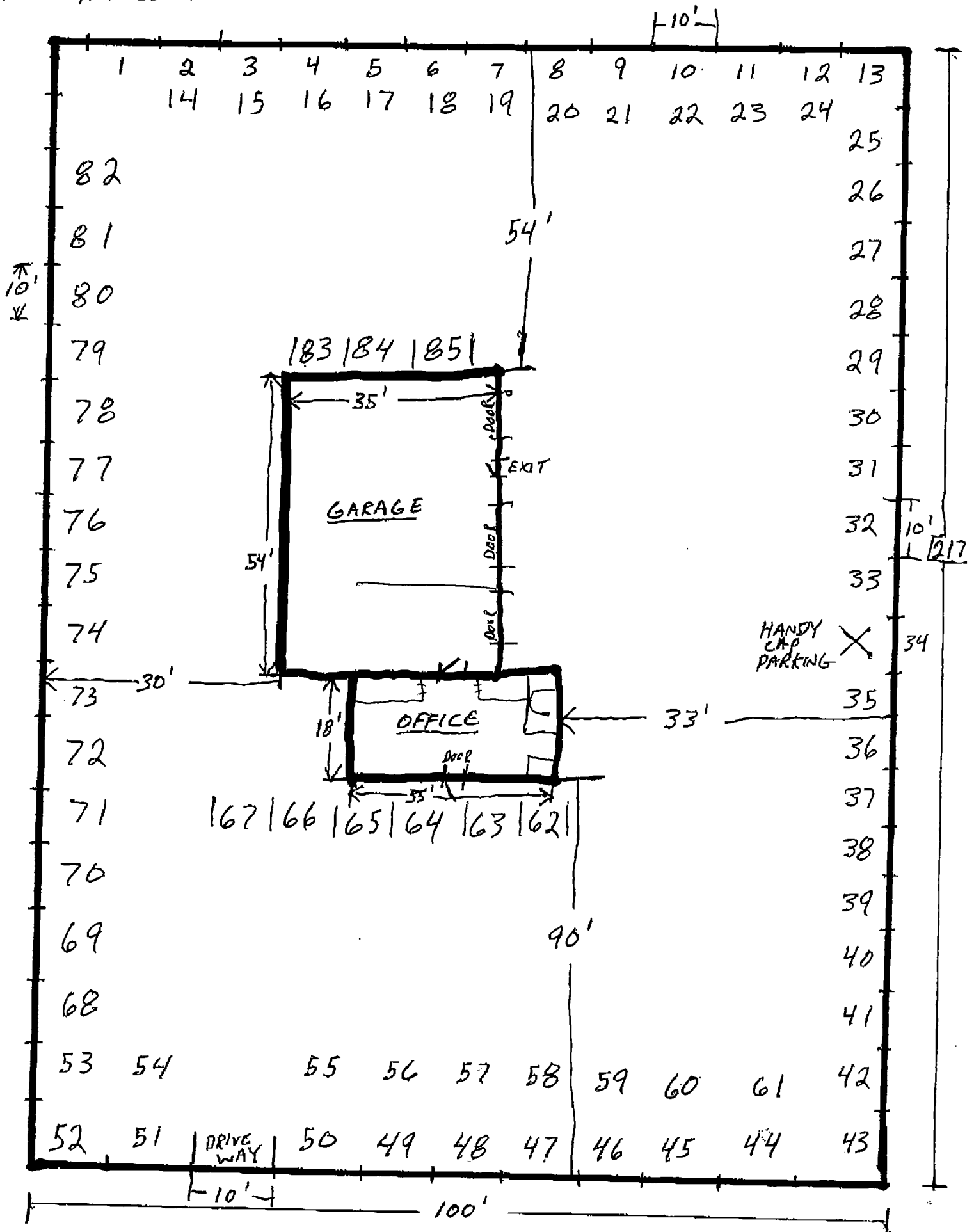
10-5-09

The garage will be used for repairs on all my cars that I put up for sale. I will also be doing warranty work on customer cars or anybody that needs work. We also will be doing a little repair work on anybody in the community that needs help. We are in compliance with all the laws, Fire & insp. Hazard waste Etc. I have had this shop for repairs on car lot vehicles since 2001, so I am in compliance with all the laws. Fire Marshall, Hazard has inspected & said that we do an excellent job on everything. We will not do a lot of off the street repairs as I do have 2 lots to take care of for repairing cars. There is ample parking for employees, customers & Handicaps. I have owned this car lot for fifteen years, it was leased out for 10 months only, so there will be no Big changes. I have always kept my Business clean & have helped the community when I can & will continue. There is no Big changes.

Duane R. Fittman  
612-801-4550

336 WEST LARPEN TEUR  
ST. PAUL, MN 55116

REPTEN 9-30-09



WHEREAS, In cooperation with the Vadnais Lake Area Watershed Management Organization (VLAWMO), it was determined that providing financial support toward a larger regional water quality initiative would provide greater public benefit than would be achieved by a similar investment in a stand alone basin; and

WHEREAS, The VLAWMO, in partnership with St. Paul Regional Water Services, has developed plans and specifications for construction of a regional water quality treatment system in the Lambert Creek area; and

WHEREAS, Agreement PW2003-15 has been prepared to establish guidelines for the cooperative development and maintenance of proposed facilities in the Lambert Creek area, and to stipulate levels of funding to be provided by participating agencies; and

WHEREAS, Ramsey County's financial participation shall be up to but not in excess of \$156,000.00; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves Agreement PW2003-15; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the Chair and Chief Clerk to execute Agreement PW2003-15 on behalf of Ramsey County; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to approve the following budget adjustment to accomplish this work:

INCREASE ESTIMATED REVENUE

2000 11101 550880 314606 CSAH Construction Regular P033145 \$156,000.00

TRANSFER TO/INCREASE APPROPRIATION

2000 11101 550880 424625 Centerville Rd—Pondview P033145 \$156,000.00  
to Horizon

PUBLIC WORKS – Real Property Lease with Duane R. and Carol J. Axtman for Use of Ramsey County Right of Way on Larpenteur Avenue

Commissioner Bennett introduced the following resolution and moved its adoption, seconded by Commissioner Haigh. Roll Call: Ayes – Ortega, Rettman, Wiessner, Bennett, Haigh, Reinhardt – 6. Nays – 0. (2004-058)

WHEREAS, Duane R. and Carol J. Axtman lease a portion of Larpenteur Avenue road right of way (50 feet by 100 feet) for the purpose of extending their car sales lot at 336 West Larpenteur Avenue; and

WHEREAS, The City of St. Paul has a sanitary sewer and a storm sewer located in the same area and the County's Larpenteur Avenue road drainage utilizes this storm sewer; and

WHEREAS, The current lease was for a five-year term that expired on December 31, 2002; and

*(Continued)*

WHEREAS, The term of the new Real Property Lease is from January 1, 2003 through December 31, 2007 and includes a yearly rent for use of the property; and

WHEREAS, The Axtmans executed the new Real Property Lease on November 26, 2003; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves the Real Property Lease between Ramsey County and Duane R. and Carol J. Axtman for use of right of way on Larpenteur Avenue; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the Chair and Chief Clerk to execute the Real Property Lease on behalf of Ramsey County.

PUBLIC HEALTH – Funding for Road Improvements for the White Bear Township Yard Waste Site

Commissioner Bennett introduced the following resolution and moved its adoption, seconded by Commissioner Haigh. Roll Call: Ayes – Ortega, Rettman, Wiessner, Bennett, Haigh, Reinhardt – 6. Nays – 0. (2004-059)

WHEREAS, Ramsey County has provided yard waste collection services for residential leaves, grass clippings and other "soft-bodied" yard waste in some manner since October, 1983; and

WHEREAS, The State of Minnesota, in Minnesota Statutes Section 115A. 931, prohibits any person from placing yard waste, including shrub and tree waste, in mixed municipal solid waste, in a landfill, or in a resource recovery facility; and

WHEREAS, The Regional/County Solid Waste Master Plan, adopted by the Ramsey County Board of Commissioners on February 2, 1999 (Resolution No. 99-043), includes a Ramsey County Policy that states "*Ramsey County will work with municipalities and private firms involved in tree and shrub waste management to ensure that opportunities for managing residentially generated tree and shrub waste are available at a level of convenience, cost and consistency such that residents will have an incentive to maintain or enhance the quality of the private urban forest;*" and

WHEREAS, The Ramsey County Board of Commissioners on November 4, 2003 (Resolution No. 2003-354) directed the Department of Public Health, working with other County Departments as appropriate, to implement plans to expand yard waste collection services through the collection of tree and shrub waste at the County yard waste sites in Arden Hills, White Bear Township, and Saint Paul (East Side and Midway); authorized the Department of Public Health to procure services necessary to implement the expanded service and authorized the County Manager to enter into agreements necessary to implement the expanded service; and authorized the Department to seek changes in permits necessary to provide the expanded service; and

WHEREAS, The County needs to apply for a conditional use permit from White Bear Township for the County's yard waste site off Sherwood Road in order for tree and shrub waste to be accepted; and

*(Continued)*



## Department of Public Works

Kenneth G. Haider, P.E., Director and County Engineer

1425 Paul Kirkwold Drive

Arden Hills, MN 55112-3933 • (651) 266-7100 • Fax (651) 266-7110

E-mail: Public.Works@co.ramsey.mn.us

ATT SARA

October 20, 2009

Mr. Duane Axtman  
4747 Geneva Avenue North  
Oakdale, Minnesota 55128

Re: Property at 336 Larpenteur Avenue West

Dear Mr. Axtman:

For many years we have had an agreement with you to lease a portion of the Larpenteur Avenue right of way. Unfortunately, no one in our office noticed that the agreement had expired.

We are currently processing a new lease agreement that will be presented to our County Board in November. In the past this has not been controversial.

I hope we can finish this quickly with minimal inconvenience.

Sincerely,

Kenneth G. Haider, P.E.  
Director and County Engineer



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

Real Estate Division  
1000 City Hall Annex  
25 W. Fourth Street  
Saint Paul, MN 551021660

Telephone: 651-266-8850  
Facsimile: 651-266-8855

October 26, 2009

**FAXED 651-777-9719**

Axtman Auto Sales Inc  
336 W Larpenteur Ave  
St Paul MN 55113

**Subject: Encroachment onto City Parkland. Behind 336 Larpenteur**

Dear Mr. Axtman:

Attached are the Guidelines for the Diversion or Disposal of Parkland in the City of Saint Paul.

We will not be able to release the need for a fence until this process is finalized. The area was paved over 6 years ago without approval of the Parks Department.

The City of Saint Paul has a Use Deed from the State of Minnesota (administered by Ramsey County) for the whole parcel. We would have to process a partial release of the use deed for the area you have paved over and be compensated for the value of the City's interest as determined by an independent appraiser. Upon the City's partial release you would have to then acquire fee title from the State via Ramsey County.

The guidelines will layout the process release the City's interest.

If you have any questions I can be reached at 651-266-8863

Sincerely,

Bob Novak  
OFS-Real Estate Section

cc: Reid Soley  
Sarah Zorn  
Jody Martinez

Parcel

Selected Parcel

US Interstate

Access Ramp

US Highway

MN Highway

Secondary Road

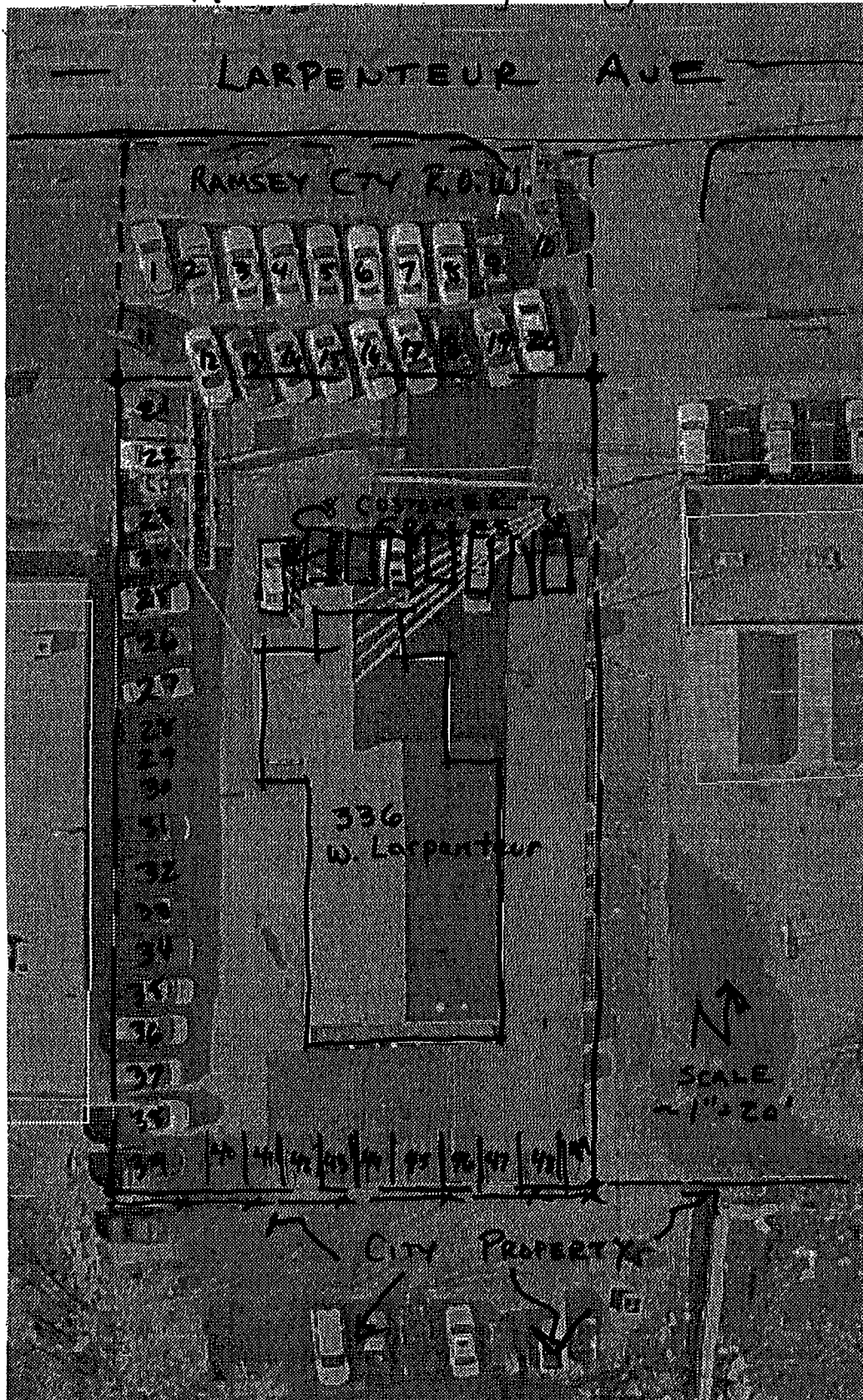
Local Roads

WATER



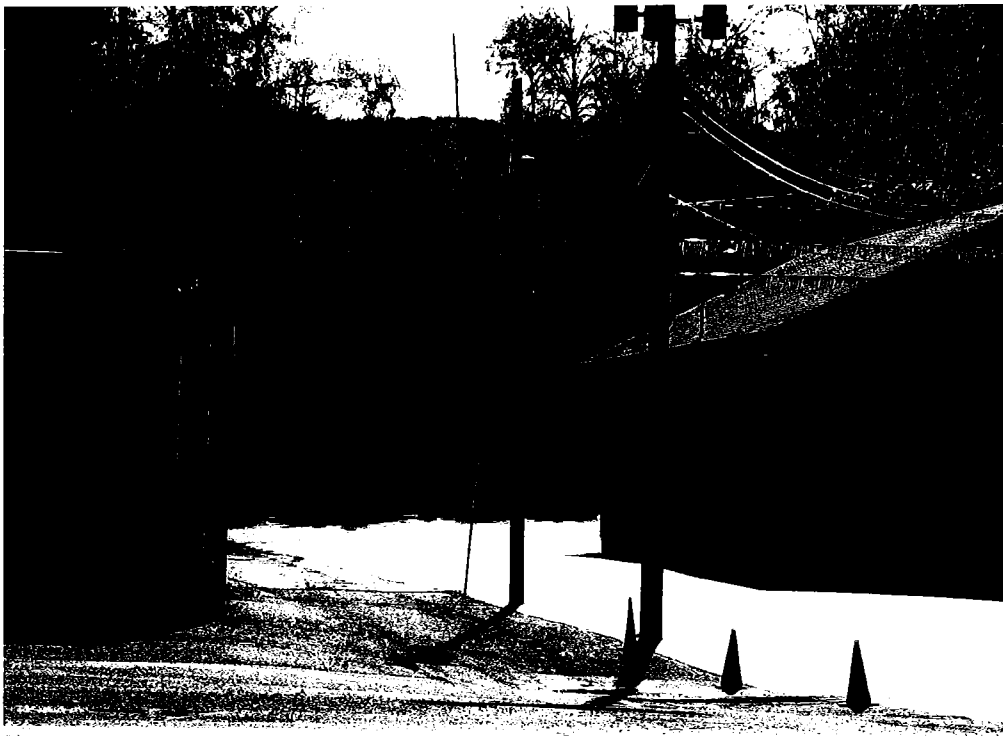
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# Desi Suggested Parking Configuration





336 Larpenteur Avenue West



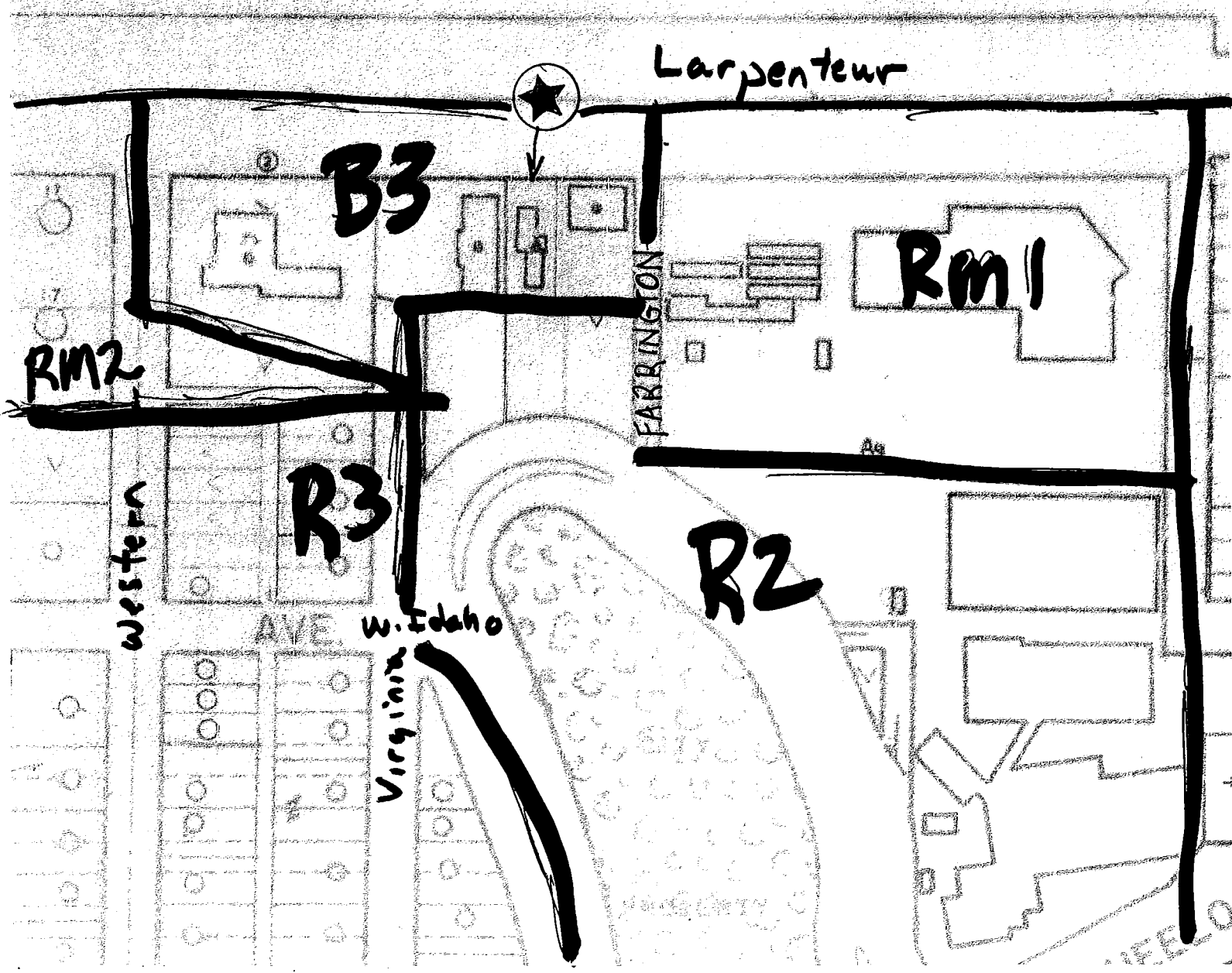
336 Larpenteur Avenue West



Property to the west



Property to the east



APPLICANT Duane Axtman Sr.  
 PURPOSE Conditional USE Permit  
 FILE # 09-296571 DATE 10-9-09  
 PLNG. DIST. 6 MAP # 4

SCALE 1" = 400'



LEGEND

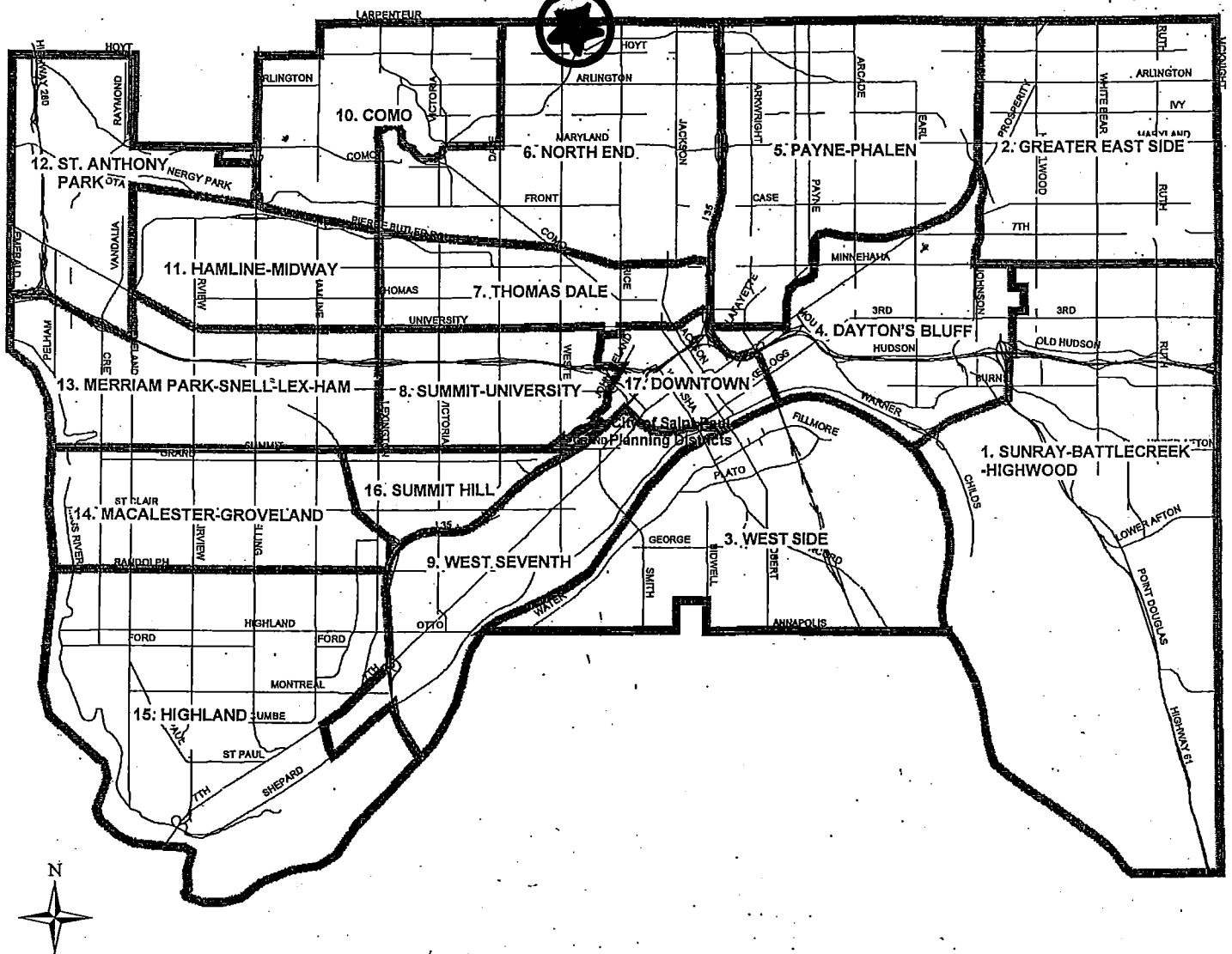
zoning district boundary

subject property

one family  
 two family  
 multiple family



commercial  
 industrial  
 vacant



6

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

# 09-296571

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Kenneth Brown **FILE #** 09-301-356
  2. **APPLICANT:** Kenneth Brown **HEARING DATE:** November 5, 2009
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 1990 Suburban Ave, between Ruth and Burns
  5. **PIN & LEGAL DESCRIPTION:** 352922340011, SCENIC HILLS NO. 5 SUBJ TO RDS; THE FOL TRACT; LOTS 15, 16, 17, 18 & LOT 19 BLK 20
  6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** TN2
  7. **ZONING CODE REFERENCE:** §65.644; §61.501
  8. **STAFF REPORT DATE:** October 22, 2009 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** October 13, 2009 **60-DAY DEADLINE FOR ACTION:** December 12, 2009
- 

- A. **PURPOSE:** Conditional Use Permit for indoor recreation center
- B. **PARCEL SIZE:** 200 ft. (Suburban) x 382 ft. = 76,762 sq. ft.
- C. **EXISTING LAND USE:** C-Retail-General
- D. **SURROUNDING LAND USE:**
  - North: Byerly's grocery store (B2)
  - East: Medical office and professional building (TN2)
  - South: Multifamily residential (RM1)
  - West: Bank and fast food restaurants (TN2)
- E. **ZONING CODE CITATION:** §65.644 lists standards and conditions for indoor recreation uses; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** In November of 1998 there was a conditional use permit application to operate a billiard hall at this location (#98-261). The application was denied by the Planning Commission. The applicant appealed the decision to the City Council (#98-314), who upheld the Planning Commission decision.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council has no objections to the request for a conditional use permit.
- H. **FINDINGS:**
  1. The applicant is proposing to operate an indoor recreation use consisting of eight table tennis tables in the Scenic Hills shopping center. The use is permitted with a conditional use permit.
  2. The space was previously occupied by a Curves fitness center, which required ten parking spaces, plus one space for each staff member, for a minimum of eleven spaces. The proposed indoor recreation center requires two spaces per table, or sixteen spaces. The net increase in required spaces falls under the rule of five, therefore no additional parking is needed.
  3. §65.644 lists standards and conditions for indoor recreation uses:
    - (a) *The building in which the use is located shall be at least one hundred (100) feet from the closest point of any residential lot in a residential district.* This condition is met. The building is located approximately 150 feet from the closest residential lot line.
    - (b) *Primary access shall be from an arterial or collector street.* This condition is met. Both Burns and Suburban Avenues are classified as collector streets according to the Comprehensive Plan.
    - (c) *Floor area shall not exceed 40,000 square feet.* This condition is met. The proposed space is approximately 2,500 square feet.
  4. §61.501 lists five standards that all conditional uses must satisfy:
    - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The space is located within a Neighborhood Center as

defined by the City's Comprehensive Plan that is to be approved by the Metropolitan Council and readopted by the City Council. The proposed use contributes to the mixed use character of the Sun-Ray Suburban Village Center and provides an indoor recreation option for nearby residents (policy 1.14). The Sun-Ray Suburban Small Area Plan supports a balance of local-owned and national retailers. The District 1 Plan supports maintaining the vitality of commercial areas.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The use will be located in a multi-tenant retail center that can be accessed via Burns and Suburban avenues.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. Several commercial businesses are already located along this segment of Suburban Avenue. The addition of the proposed use will not be detrimental to the existing commercial character of the area nor negatively impact nearby residences.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will not preclude development or improvement of uses permitted in the TN2 district.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use conforms to the standards and conditions for indoor recreation uses in the TN2 district.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for an indoor recreation center.



# CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

1046

09-301356

PD=1



11-05-09

352922340011

## APPLICANT

Name Kenneth D. Brown  
Address 670 Van Buren Ave  
City St. Paul St. MN Zip 55104 Daytime Phone 651-231-6917  
Name of Owner (if different) Same as above  
Contact Person (if different) Same as above Phone 651-231-6917

## PROPERTY LOCATION

Address / Location 1990 Suburban Ave #1992, St. Paul  
Legal Description Scenic Hills No. 5 sub 5 TO RDS; THE FOLTRACT; LOTS 15, 16, 17, 18, & LOT 19 BLK 20. Current Zoning TN2  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 65, Section 644, Paragraph A, B, C of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See ATTACHED Sheet No electronic games, only Table Tennis

RECEIVED  
OCT 13 2009

☒ Required site plan is attached

Applicant's Signature Kenneth D. Brown Date 10-12-09 City Agent Patricia Jones  
10/13/09

**Planning & Zoning Committee**

**Conditional Use Permit Application**

**Attachment dated 10/12/09**

**1990 Suburban Av, St. Paul, suite 1992**

The requested location meets all the conditional use requirements as stated in the Zoning Code section 61.501 and section 65.644, Paragraphs a, b, & c

**Proposed use: indoor recreation, game room**

**(a) Building is at least 100 feet from the closet point of any residential lot.**

**The building is 150 feet.**

**(b) Primary access is from an arterial or collector street (Ruth is to the east, White Bear to the west, Suburban to north, and Burns is on the south).**

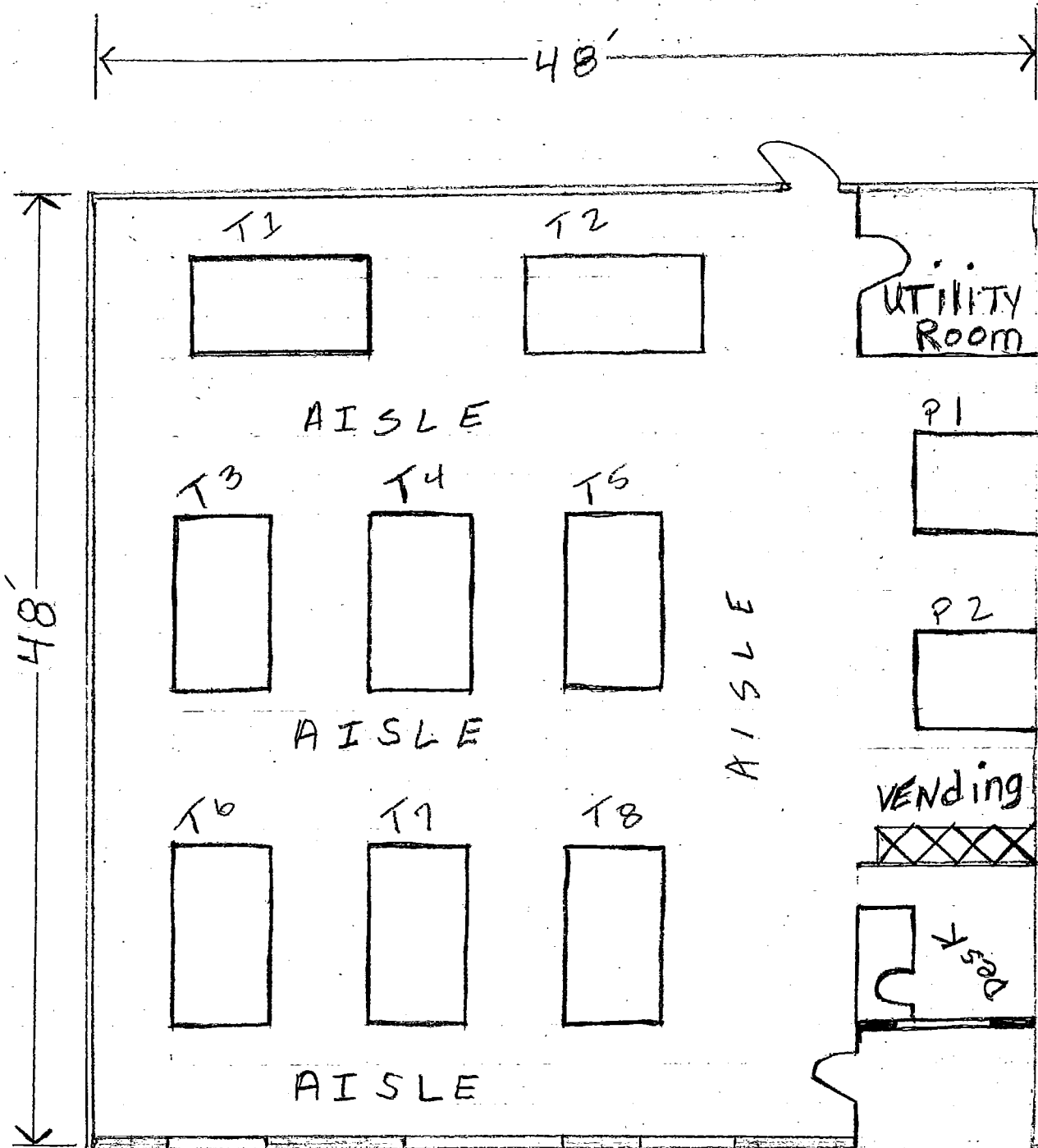
**(c) Floor area is less than 40,000 square feet. Floor area is approximately 2,500 square feet.**

3 & 6

# FLOOR PLAN

1990 Suburban  
Suite 1992 Burn.

SCALE  $\frac{1}{4}'' = 2'$



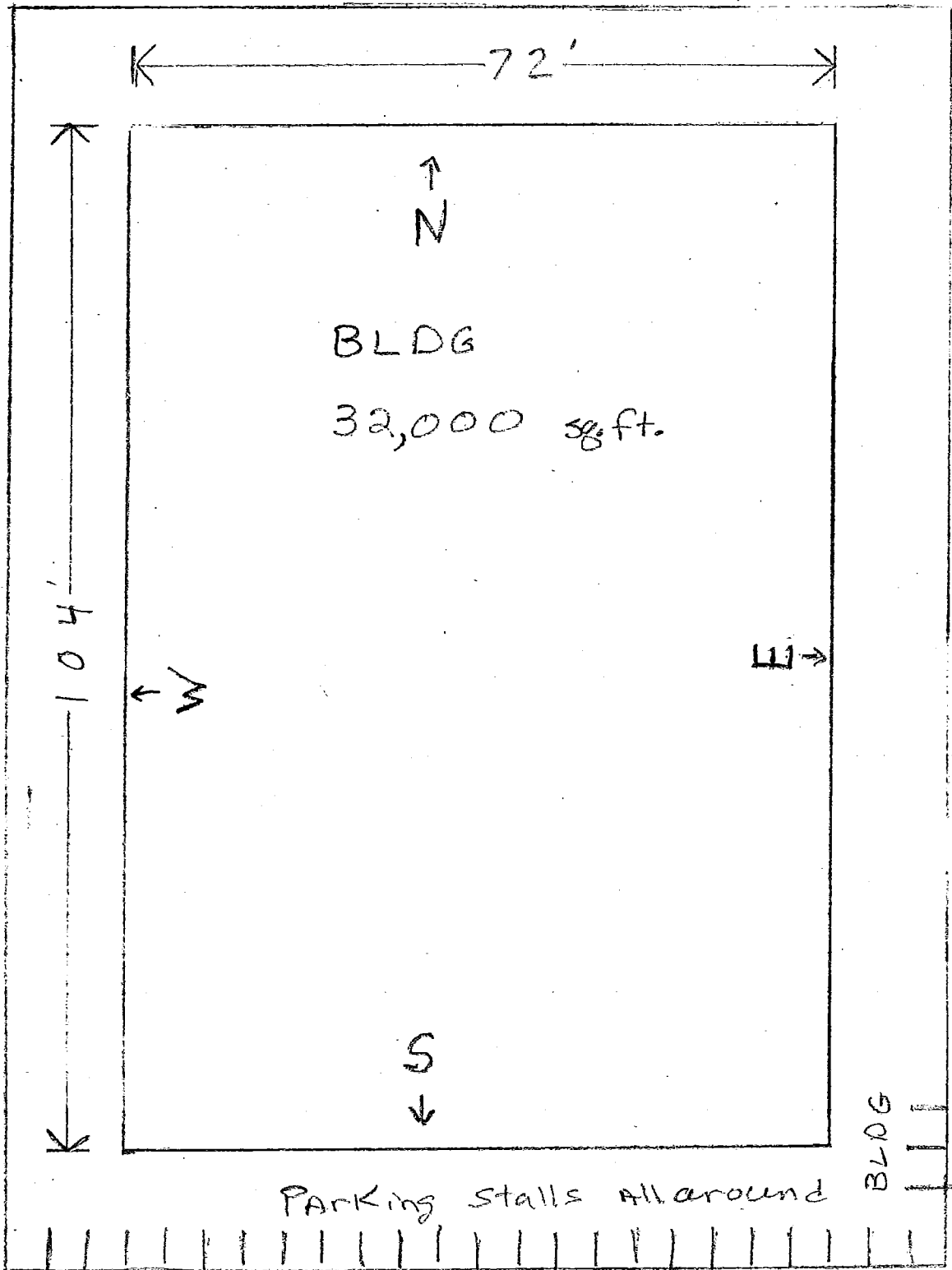
Suburban

4 of 6

1990 Suburban suite 1992

Site Plan  
scale 1/4" = 4'

White Bear



Ruth

Burns

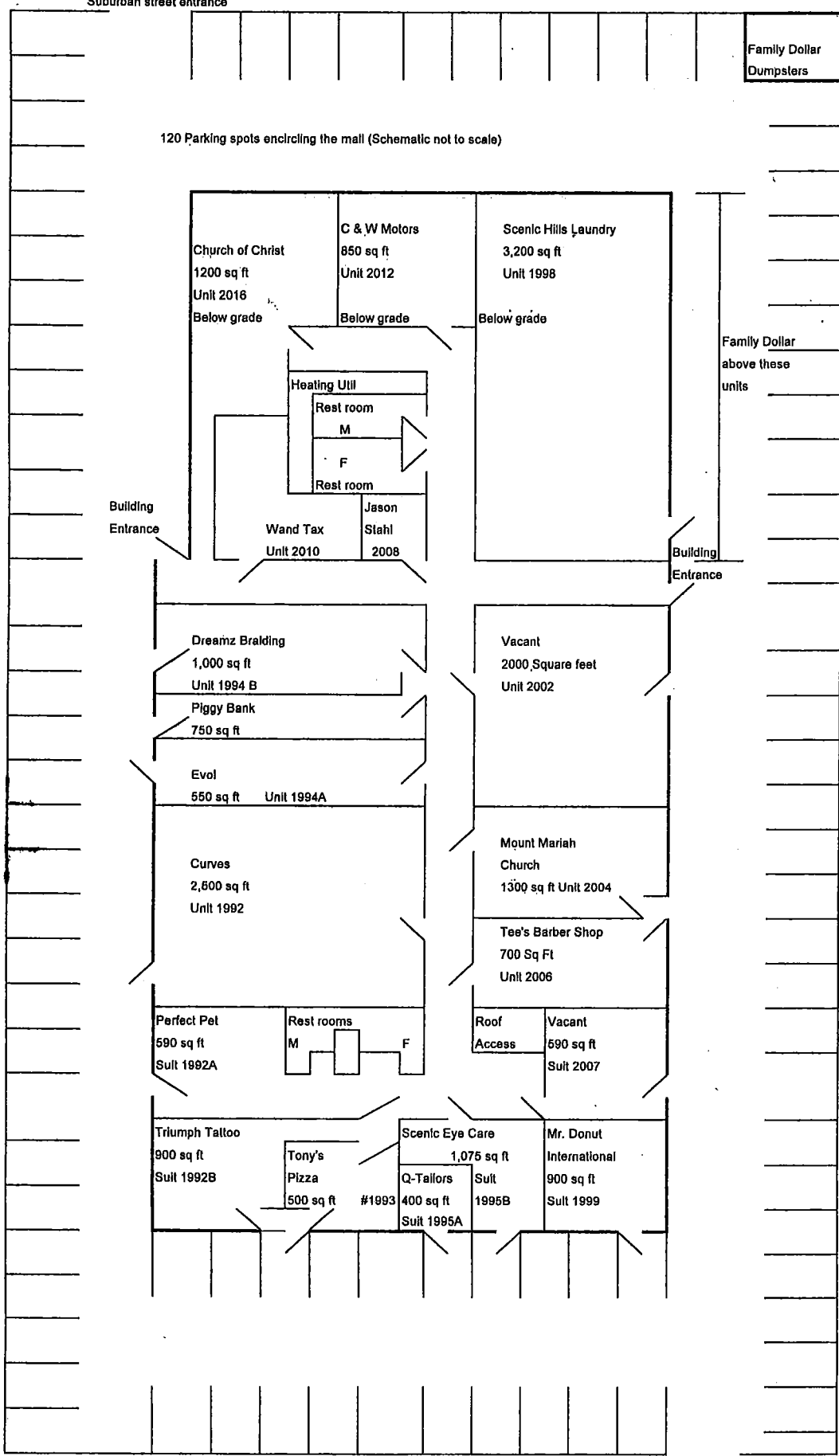
5 of 6

# 1990 Suburban, suite 1992

Suburban street entrance

Family Dollar  
Dumpsters

120 Parking spots encircling the mall (Schematic not to scale)



#09. 301. 356  
1990 Suburban Ave

Sarah Zorn - 1990 Suburban Avenue

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**From:**

**To:**

**Date:** 10/27/2009 12:33 PM

**Subject:** 1990 Suburban Avenue

---

Sarah,  
The District 1 COmmunity Council has no objections to the request for a Conditional Use Permit at 1990 Suburban Avenue (#09-301-356).

Betsy Leach  
Community Organizer  
District 1 Community Council  
2090 Conway St., Rm 126  
Saint Paul, MN 55119  
district1council@aol.com; www.district1council.org  
651-501-6345 (v); 651-501-6346 (fax)



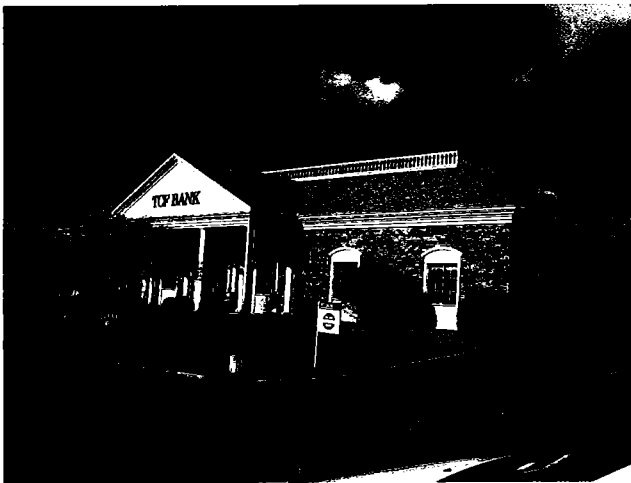
Scenic Hills Center – 1990 Suburban Avenue



Residential property to the south



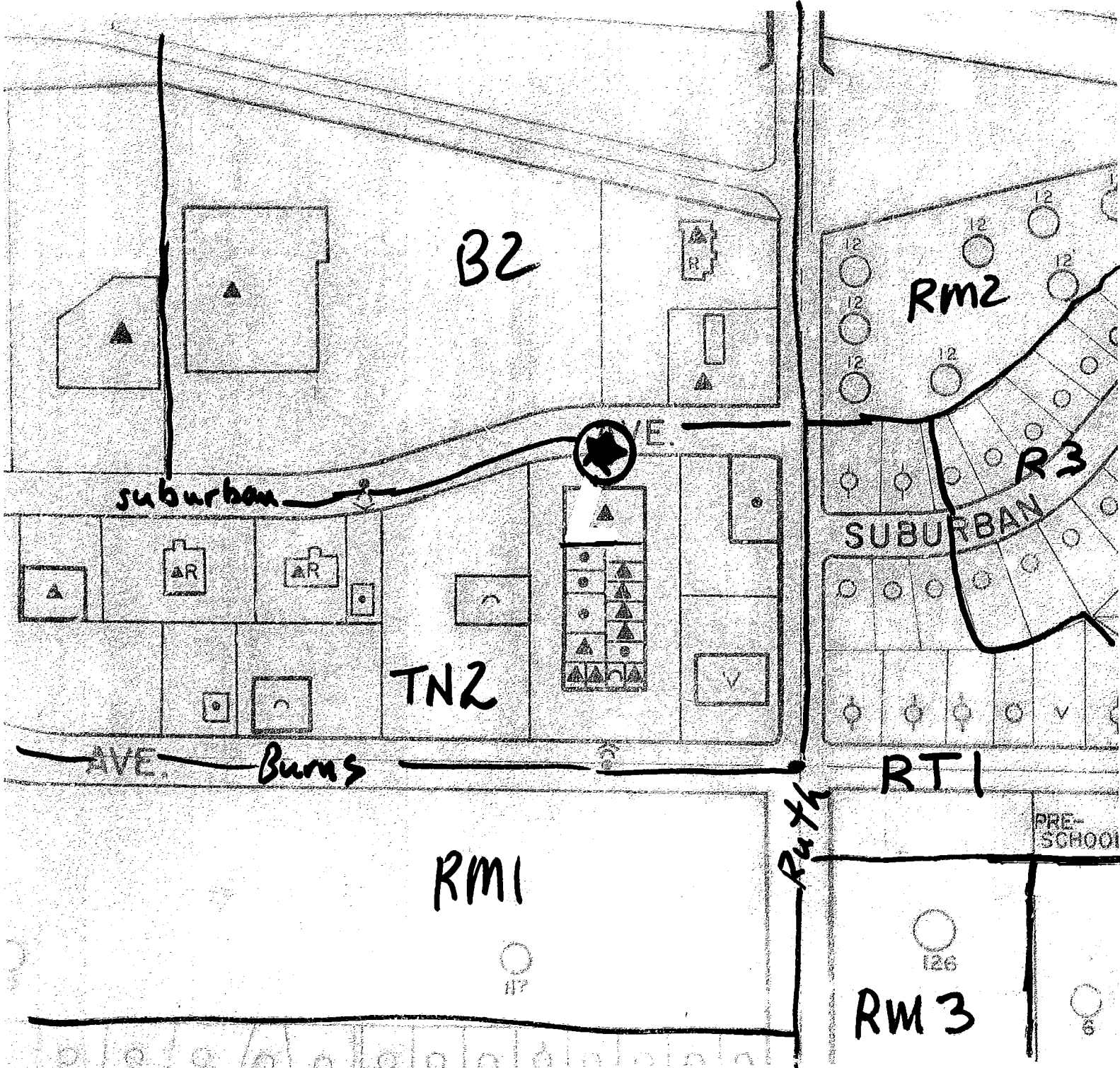
Office building to the east



TCF Bank property to the west

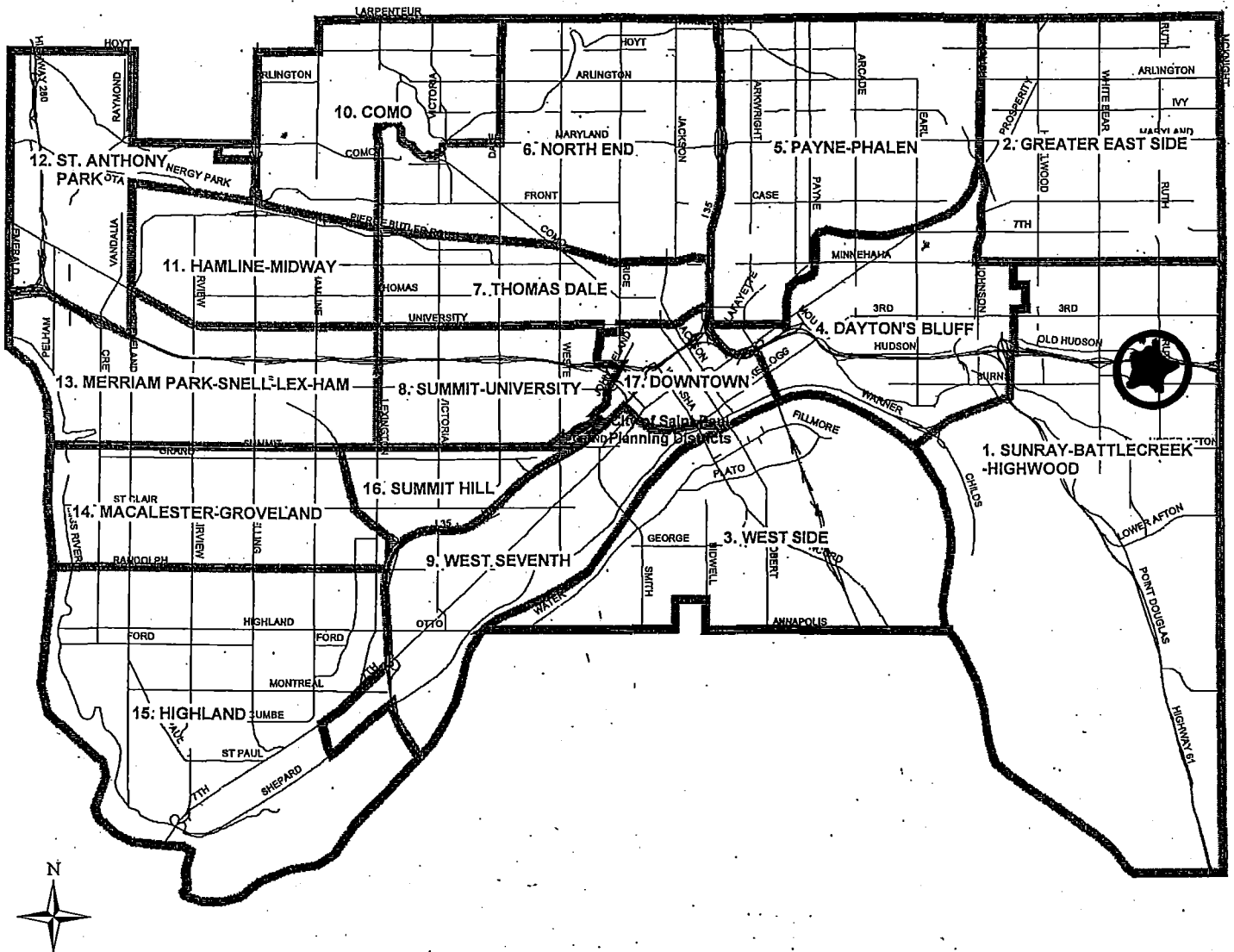


Byerly's property to the north



APPLICANT <u>Kenneth Brown</u>	<b>LEGEND</b> zoning district boundary subject property one family two family multiple family commercial industrial vacant north
PURPOSE <u>Conditional Use Permit</u>	
FILE # <u>09-301356</u> DATE <u>10-19-09</u>	
PLNG. DIST. <u>1</u> MAP # <u>24</u>	
SCALE 1" = 400' 	

# CITIZEN PARTICIPATION DISTRICTS



## CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

09-30/356

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Semple Enterprises **FILE #** 09-293-898
  2. **APPLICANT:** Semple Enterprises **HEARING DATE:** November 5, 2009
  3. **TYPE OF APPLICATION:** NUP - Establishment
  4. **LOCATION:** 91 Ridder Circle
  5. **PIN & LEGAL DESCRIPTION:** 052822120014, REGISTERED LAND SURVEY 369 LOT 1 BLK 3 RIVERVIEW INDUSTRIAL PARK NO.12 AND IN SD REG LAND SURVEY 369,TRACT A
  6. **PLANNING DISTRICT:** 3 **PRESENT ZONING:** I2
  7. **ZONING CODE REFERENCE:** § 62.109(a)
  8. **STAFF REPORT DATE:** October 28, 2009 **BY:** Josh Williams
  9. **DATE RECEIVED:** October 15, 2009 **60-DAY DEADLINE FOR ACTION:** December 14, 2009
- 

- A. **PURPOSE:** Establish legal nonconforming use status for concrete and asphalt processing operation.
- B. **PARCEL SIZE:** 135670 sq. ft.; 212 feet along Ridder Circle x 385 feet east property boundary x 600 feet north/levee boundary x 680 feet west boundary
- C. **EXISTING LAND USE:** I-Recycling Processing-Outdoor
- D. **SURROUNDING LAND USE:**
  - North: Levee and Mississippi River (I2)
  - East: Industrial (I2)
  - South: Airport (I1)
  - West: Industrial (I1)
- E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status.
- F. **HISTORY/DISCUSSION:** Site plan reviews for the property related to the demolition and construction of a building were conducted in 2001 and 2007. In June and July of 2009, DSI staff informed Willie Semple that crushing operations were not allowed at the property location.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 3 Council had not provided a recommendation as of the writing of this staff report.
- H. **FINDINGS:**
  1. The property at 91 Ridder Circle is owned by Semple Enterprises. The property is leased to Semple Crushing and Recycling, the entity which owns and operates the asphalt and concrete crushing equipment. Several other Semple businesses also operate from the property at 91 Ridder Circle.

The applicant has stated that asphalt and concrete crushing operations have taken place at 91 Ridder Circle since 1999. According to statements provided by the applicant crushing operations occur during standard business hours, and that dust control measures are taken during operations. The applicant has also stated that the amount of unprocessed and crushed concrete and asphalt present on the site typically does not exceed 12,000 tons. By the applicant's estimate, the amount of material currently presently on the site is about twice that amount.

The applicant has also stated that the crushed concrete and asphalt is independently tested to ensure that it meets MnDOT specifications for recycled aggregate. This testing does not include testing for chemical makeup or the presence of contamination.
  2. The property is located near Holman Field, and wholly within the current Zone A as defined under Minnesota state law. Proposed airport zoning would redefine Zone A as having the same extent as the current Runway Safety Zone. The resulting zoning would place approximately 2/3 of the property in Zone A, with the western portion, where the applicant is proposing to relocate crushing operations, falling in Zone B. The Metropolitan Airports Commission (MAC) has signed the petition of adjacent property owners consenting to the establishment of legal non-conforming use.

3. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to use of structures if the commission makes eight findings. The findings and the applicant's ability to meet them are as follows:

- (1) *The use occurs entirely within an existing structure.* This condition is not applicable; the use is an outdoor use.
- (2) *The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been existence continuously for a period of at least ten years prior to the date of the application.* This condition appears to be met. The applicant has stated that asphalt and concrete crushing has been performed on the site periodically since Semple Recycling and Crushing was established. The company was established under Minnesota law, with a registered location at 91 Ridder Circle, in May 1999. To support this claim, the applicant has provided three types of documentation:

First, the applicant has provided loan documents, account statements and other documentation showing the purchase of crushing equipment no later than early 1999. The applicant has also stated that additional purchases of crushing equipment have been made since that time, and has provided invoices, sales quotes and other documentation of said purchases. This machinery is transportable, and can be used at both the business address and at other job-sites.

Second, the applicant has provided invoices and other documentation showing the purchase of unprocessed asphalt and concrete and the sale of crushed asphalt and concrete in each of the years 2003-2009. The applicant has stated that business records are kept for a maximum of 7 years.

Third, the applicant has submitted sworn affidavits from James Semple, Julie Semple, Terry Semple, and Denice Semple. Each affidavit states the ownership interest of the attestant in Semple Enterprises, that the attestant has worked for Semple Recycling and Crushing for 10 years, and that asphalt and concrete crushing operations have taken place at least three times yearly at 91 Ridder Circle for the entirety of that time of association (since 1999).

- (3) *The off-street parking is adequate to serve the use.* This condition is met. The concrete and asphalt processing is accessory to other uses on the site, for which the parking requirements are met.
- (4) *Hardship would result if the use were discontinued.* This condition is met. The applicant has stated that Semple Recycling and Crushing does a substantial amount of its business in Saint Paul and the immediately surrounding area. If not allowed to conduct crushing operations at 91 Ridder Circle, both unprocessed and crushed materials, along with crushing equipment, would need to be hauled longer distances. This would result in increased costs, and greater wear and tear on equipment.
- (5) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This condition is met. The use in question could be established under a conditional use permit if the property were rezoned to I3 Restricted Industrial. No adjacent or nearby parcels are zoned I3. A number of uses allowed only in I3 would be incompatible with surrounding uses, including infectious waste incineration, petroleum and gasoline tank farms, and rendering and tanning facilities. Therefore, rezoning would result in both "spot" zoning and a zoning inappropriate to surrounding land uses.
- (6) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* Subject to additional conditions, this condition is met. The use in general will not be detrimental to the existing character of development in the immediate neighborhood, which is generally industrial in nature. Nearby property owners and other members of the public have expressed a number of concerns regarding the proposed establishment of concrete and asphalt crushing as a legal non-conforming use. Concerns have included days and hours of operation, dust and noise impacts on nearby residential areas, dust impacts on sensitive industrial equipment and

building HVAC systems, and potential chemical contamination of reclaimed asphalt and concrete processed at the site.

Noise could potentially carry beyond the immediate neighborhood. Dust could potentially be damaging to nearby industrial equipment and facilities, and could likewise carry beyond the immediate neighborhood. Both fugitive dust and storm water carrying pollutants picked up from unprocessed or crushed concrete and asphalt present a potential threat to the public health, safety, and general welfare. However, sufficient conditions attached to site design and terms of operation can ameliorate both the potential detrimental impacts and threats to the public health, safety, and general welfare.

- (7) *The use is consistent with the comprehensive plan.* Subject to additional conditions, this condition is met. Policy 5.1.3 of the Mississippi River Corridor Plan states that the City supports continuation of industrial uses in appropriate portions of the river corridor, including the property at 91 Ridder Circle. The policy also states that *modifications or additions to industrial uses in the river corridor should be supported only when they have no significant adverse impact on water quality or air quality for the river corridor and adjacent neighborhoods, and when they do not substantially impair the visual character of the corridor from adjacent neighborhoods or from the river itself.*

Strategy 2 of the Land Use Plan is to *Provide Land for Jobs*. While policies do not specifically address the establishment of legal non-conforming uses on existing industrial sites, Policies 2.21, 2.22, and 2.23 call for appropriate regulation of industrial districts to protect existing employment and encourage efficient use of industrial lands that is compatible with surrounding districts.

The proposed non-conforming use of the property in question allows the property to be put to efficient use in terms of the number of jobs supported. Denial of the petition to establish a legal non-conforming use would reduce the capacity of the parcel to support jobs. Moreover, due to the location of the parcel near Holman Field, regulatory and practical considerations mean that alternate uses of the property are limited and would be unlikely to produce a similar number of jobs. Provided sufficient conditions are attached to the site design and terms of operation, the use is consistent with the Comprehensive Plan.

- (8) *A notarized petition of two-thirds of the property owners within one hundred (100) feet the property has been submitted stating their support for the use.* This condition is met. The petition was found sufficient on October 5, 2009; eight (8) parcels eligible; six (6) parcels required; six (6) parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the petition to establish legal nonconforming use status for the concrete and asphalt processing operation subject to the following conditions.

- 1) Department of Planning and Economic Development (PED) and Department of Safety and Inspections (DSI) staff approval of a site storm water management plan. The plan shall include, but not be limited to, provisions for the on-site retention, treatment, and, to the extent appropriate, infiltration of storm water. The plan may include both specifications for infrastructure elements and operational terms.
- 2) Application for and receipt of Industrial Stormwater Permit from the Minnesota Pollution Control Agency.
- 3) PED and DSI staff approval of a plan for configuration of crushing operations, equipment, and materials storage on the western end of the site. The plan shall include, but not be limited to, provision for structural containment of both unprocessed and crushed materials, and operational terms, including maximum limits on the amount both unprocessed and crushed materials that may be present on site. The configuration plan shall relate to and help to maximize the effectiveness of the storm water management plan and any associated infrastructure.
- 4) Crushing operations shall take place no more than four times per year. Crushing operations shall take place from 8 am to 5 pm, Monday through Friday only. Once started, crushing

operation may continue for as many consecutive operating days as necessary to process all asphalt and concrete present on site.



**NONCONFORMING USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only

File #: 09-293898

Fee: 650

Tentative Hearing Date:

10-22-09

PD=

# 052822120014 ★

## APPLICANT

Name Denise Semple

Address 91 Ridder Circle

City St. Paul St. MN Zip 55107 Daytime Phone 651-774-7421

Name of Owner (if different) Semple Enterprises

Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

## PROPERTY LOCATION

Address/Location 91 Ridder Circle

Legal Description Registered land survey 369, Lot 1 Block 3

Riverview tract A Current Zoning I2 - General Industrial  
(attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)  
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)  
☒ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)  
☐ Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.

Present/Past Use Excavating and Recycling

Proposed Use Concrete and Asphalt Processing

Attach additional sheets if necessary

Please see attached

Attachments as required ☒ Site Plan ☒ Consent Petition ☒ Affidavit

Applicant's Signature Denise Semple Date 9/30/09 City Agent pd

10-1-09

### **Supporting Information for Non-conforming Use at 91 Ridder Circle**

Pursuant to Chap. 62 Section 109 of the Zoning Code of the City of St. Paul, Applicant requests that the Planning Commission grant Applicant's Application for Non-Conforming Use for the following reasons:

- a. The use occurs entirely within an existing structure because the processor itself is a structure under Sec. 60.220.S. A structure is defined as "[a]nything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground." The concrete and asphalt processor is equipment, erected on the ground and attached to the ground for stability.
- b. The use of the processor is discussed in the zoning code in the same clause as the industrial uses already in place at Applicant's site. Applicant has used a concrete and asphalt processor as an accessory to its recycling business for over 10 years. Applicant established Semple Recycling and Crushing, LLC over 10 years ago, when they filed their Articles of Organization with the Minnesota Secretary of State on May 24, 1999. Applicant has been using the concrete and asphalt processor ever since this time at their site. The use of a concrete and asphalt processor is listed in the same clause of the code as the excavating and recycling business, Sec. 66.521 of the City of St. Paul Zoning Code. Additionally, the use of the concrete and asphalt processor is an accessory use to the primary use of the excavating and recycling business. Processing will take place only four times a year in order to support Applicant's recycling and excavating business.
- c. Off-street parking is adequate to serve Applicant's use of the concrete and asphalt processor. Applicant's use of the concrete and asphalt processor in no way affects off-street parking at their site because any additional employees required to run the processor

can park in the parking lot already located at their site. Furthermore, any material delivered to the site does not interfere with parking at the site.

- d. If the use were discontinued, Applicant would suffer hardship in a couple of different ways. First, they would experience a negative economic impact because of the competitive disadvantage moving out of St. Paul creates. Applicant is currently able to offer competitive pricing in excavation and sales of recycled materials because of the short distance they haul from their worksite to the processing area. If Applicant had to haul materials to and from a location outside of St. Paul they would incur greater fuel and labor costs which would have to be passed on to the customers. Allowing Applicant to continue processing materials on their site in St. Paul would allow Applicant to keep prices low for their customers, like the City of St. Paul Water Services. Applicant would also suffer a hardship because of the negative environmental impact the move would cause. Allowing processing on this site is both efficient and environmentally friendly because Applicant is only required to haul a short distance from their worksite to their processing site. Currently Applicant has a minimal carbon footprint in its work because Applicant drives a short distance from the worksite to the processing site. If the City no longer allowed Applicant to process on their site, Applicant would have to find a way to haul the materials to a new site, outside of the City, which would mean that large hauling vehicles are spending more time on city streets and local highways, causing more wear and tear, and also emitting more fumes into the air. Utilizing concrete and asphalt processing is an overall environmentally friendly practice, so if Applicant had to discontinue the practice the City would suffer a hardship. Concrete and asphalt processing is environmentally friendly for a couple reasons. First, it is part of a process

in which recycled materials are used to construct roads, rather than non-renewable minerals. Using recycled materials in construction projects is a cornerstone for environmentally sound practices. Second, using a concrete and asphalt processor keeps the materials from filling up local landfills. Typically, unless the materials that are excavated from worksites are sent through a processor and reused in new projects, they are dumped in a landfill. Permitting Applicant to continue processing at their site would allow them to do their part to keep landfills free of materials that do not need to be there.

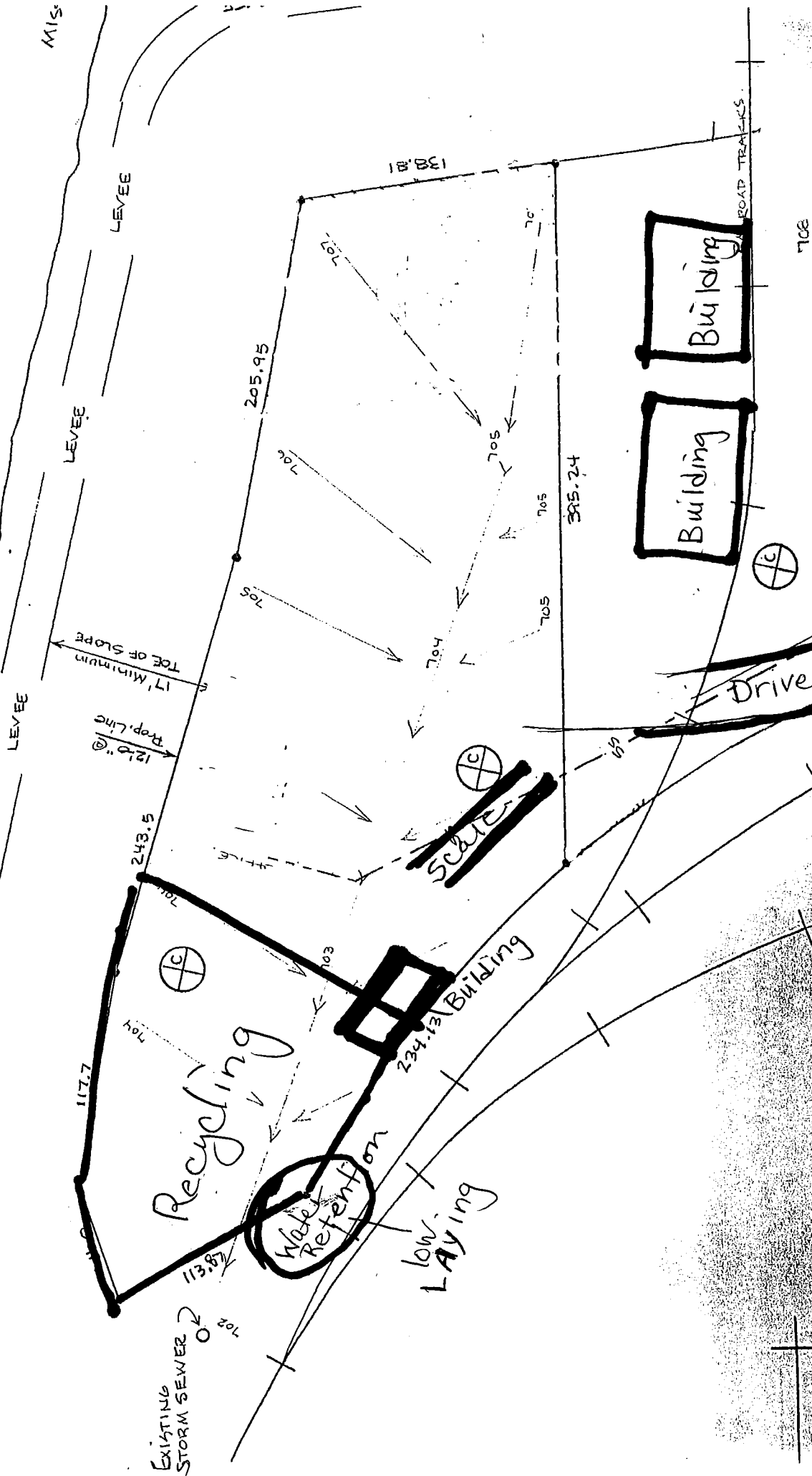
- e. Re-zoning to an I-3 would be inappropriate for this site because there are a number of I-3 uses that are incompatible with the area, such as hazardous or infectious waste processing, rendering plants and tanning, solid waste processing facility or a sewage treatment plant. Given the close proximity of the airport, the Pioneer Press, and Brown & Bigelow, these intensive industrial uses are inappropriate because of the potential harm they could cause. Instead, allowing concrete and asphalt processing as a non-conforming use at this site, would allow the area to stay zoned as I-2 while permitting this accessory use to Applicant's business, which is appropriately placed in an I-2 zone, to continue.
- f. This use would not be detrimental to the existing character of development in the immediate neighborhood. The surrounding neighbors already engage in industrial uses, like at the airport and at the Pioneer Press. The use would not endanger the public health, safety, or general welfare. Because Applicant only plans to use the processor approximately four times a year any detriment suffered by the neighbors will be minimal. Furthermore, Applicant has mechanisms in place to control any dust produced by processing, specifically the dust is watered to prevent it from scattering to the neighbor's property. The processor has already been demonstrated to not make excessive noise.

g. Applicant's use of the processor is consistent with the comprehensive plan because it is an industrial use employed only a few times a year in an already industrially zoned area.

The use of the processor is an accessory use to the primary business of recycling.

Recycling is allowed in an I-2 area, so this use is consistent with that business.

Mississippi



Sample  
91 Ridder Circle  
St. Paul, Min 55107



**HARTL Anlagenbau GmbH**  
Pern-Str. 2a A-4310 Mauthausen  
Telefon: 0043 (0) 72 38 - 29 350  
Fax 0043 (0) 72 38 - 29 350 40  
*Fax Sales & Marketing:*  
0043 (0) 72 38 - 29 407  
e-mail: [office@hartlmbh.at](mailto:office@hartlmbh.at)

**VULCAN EQUIPMENT**  
Attn. Mr Edward Damjan

UID-Nr. ATU 51861009

PO Box 341, Chinese Camp  
California 95309  
USA

Tel: 001 76 04 16 71 81  
Fax: 001 76 03 20 06 64

Mauthausen, 20. November 2001  
Folter

**Order Confirmation Nr.: 10089**

Pos	Description	Qty	price	total
1	<b>HARTL POWERCRUSHER PC 12/70 I</b> (IMPACT CRUSHER) consisting of: Feed Hopper, Vibrating chute with pre-screener, Impactor Crusher type PC 204L, 3176 CAT drive engine (400hp), Crusher discharge conveyor, Side discharge conveyor, Track-type undercarriage, Operating-service platforms, Permanent magnet, Hydraulically adjustable anvils (aprons) for end-product calibration, Hydraulically collapsible and extended front discharge conveyor, Hydraulically collapsible and extended side discharge conveyor, Hydraulically opened crusher housing, 8-headed Hydraulic pump for a minimum of two additional hyd. circuits, Emergency shut-off for CAT engine, Emergency shut-off for the entire hydraulic system, Extended type undercarriage, Chain curtain at crusher entrance, Extended feed hopper, Spray bars and pump, Remote Control	1	\$ 300.000,00	\$ 300.000,00 USD

This is  
the second  
one we bought  
and traded the  
first

total price net FOB any european port

USD  
300.000,00

Condition of payment: 100 % with Letter of Credit against Bill of Lading  
Terms of delivery: FOB any european port  
Delivery time: approximately 3 weeks from receipt and verification of the Credit document.  
General terms of business and delivery: read and accepted.  
Warranty: 12 months according Hartl warranty rules

bank details: Swiftcode: SPAET26, Bank: Bankhaus Spängler & Co Linz,  
Bank account: 500.503.050, BLZ: 19530

With best regards  
Hartl Anlagenbau GmbH

**HARTL**  
**Anlagenbau GmbH**  
HARTL Anlagenbau GmbH Pern-Str. 2 A-4310 Mauthausen  
e-mail: [office@hartlmbh.at](mailto:office@hartlmbh.at) Tel: 07238/29 350  
Fax: 07238/29 350 40 Fax Marketing/Service: 07238/29 407

COUNTER SIGN

Angaben nach §14 HGB: Rechtsform: GmbH, Sitz Mauthausen, FN 208451, Firmenbuchgericht: Linz.  
Die Firma Hartl Anlagenbau GmbH behält sich bis zur vollständigen Bezahlung des Kaufpreises das Eigentumsrecht vor und stellt der Besizer für die Realisierung des Eigentums vorbehalten seine Einwilligung zur eigenmächtigen Abholung des Kaufgegenstandes, Technischen und preisieliche Änderungen vorbehalten, Gerichtsstand (in das sachlich ausschlagende Gericht) am Sitz der Firma Hartl Anlagenbau GmbH. Es gilt neben den allgemeinen Geschäfts- und Lieferbedingungen der Firma Hartl Anlagenbau GmbH entsprechende Recht. Die Anwendung des UN-Kaufrecht ist ausgeschlossen.  
Der Käufer stellt hiermit seine unwiderrufliche Zustimmung, dass der Verkäufer berechtigt ist, zur Realisierung des Eigentums vorbehalten die gelieferte Ware selbständig abzurufen und hat ihm der Käufer hiermit jederzeit Zugang zur gelieferten Ware zu gewähren.

## ASSUMPTION AGREEMENT

This Agreement is made this 10 day of September, 1999, by and among Semple Enterprises Partnership, a Minnesota general partnership consisting of James W. Semple and Terrance Semple ("hereinafter referred to as "Transferor"), Semple Recycling & Crushing, LLC, a Minnesota limited liability company (hereinafter referred to as "Transferee"), and Liberty State Bank, a Minnesota corporation (hereinafter referred to as "Bank").

### RECITALS:

A. Transferor has executed and delivered to Bank its Promissory Note (the "Note"):

1. Date: March 25, 1999
2. Original principal amount: \$359,000.00
3. Interest rate: 8.25% per annum
4. Payable in equal monthly installments of \$7,325.00 commencing April 25, 1999, and continuing on the same day of each month thereafter until March 25, 2004, when the entire unpaid principal and accrued and unpaid interest thereon shall become due and payable in full.
5. Present unpaid principal balance: \$339,302.33
6. Interest paid through July 26, 1999.

B. The Note is secured by:

1. A Security Agreement given by Transferor to Bank dated March 25, 1999, the terms of which are incorporated herein by reference as though fully set forth herein;
2. A Third-Party Pledge Agreement given to Bank by Semple Building Movers, Inc., a Minnesota corporation, dated March 25, 1999, the terms of which are incorporated herein by reference as though fully set forth herein;
3. A Third-Party Pledge Agreement given by Semple Excavating & Trucking, Inc., a Minnesota corporation, dated March 25, 1999, the terms of which are incorporated herein by reference as though fully set forth herein;

4. The unconditional Guaranties of payment of the Note given by Semple Excavating & Trucking, Inc., Semple Building Movers, Inc., James W. Semple and Terrance Semple, all dated March 25, 1999, the terms of which are incorporated herein by reference as though fully set forth herein.
5. A UCC-1 Financing Statement given by the Transferor to Bank and filed in the office of the Secretary of State of the State of Minnesota on April 7, 1999, as Document No. 2120206,

(all of the foregoing hereinafter collectively referred to as the "Security Devices").

C. Transferor desires to transfer to Transferee certain collateral owned by Transferor and described in the Security Devices and the Transferee desires to assume the obligations of the Transferor under the Note and the various Security Devices, and the Bank is willing to permit such assumption pursuant to this Agreement.

ACCORDINGLY, in consideration of the foregoing recitals and the covenants and agreements of the parties hereto, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Transferee hereby assumes and agrees to pay the indebtedness evidenced by the Note (including any renewal, extension, modification, and substitution thereof) in accordance with its terms, and agrees to perform or observe all of the covenants and agreements in the Security Devices. Transferee further agrees that the lien of any Security Devices on all items of collateral described therein shall continue to be a first lien upon such collateral as security for any and all indebtedness of Transferee to the Bank assumed herein.

2. Transferor expressly agrees with the Bank that neither the execution of this Agreement nor the transfer of the Transferor's interest in any collateral to the Transferee shall discharge, satisfy or release the liability of the Transferor to the Bank under the Note or any Security Devices. Transferor agrees with Bank that Transferor and its partners shall remain personally liable to the Bank for payment and performance of all obligations arising under the Note and the Security Devices until payment of all indebtedness evidenced by the Note and secured by the Security Devices is paid in full.

3. Transferor hereby expressly waives the benefit of any and all defenses and discharges available to a guarantor, surety, endorser or accommodation party, dependent on the Transferor's character as such. Without limiting the generality of the foregoing, Transferor hereby waives presentment, demand for payment and notice of non-payment or protest of the Note and agrees that the Transferor's liability hereunder shall not be affected or impaired in any way by any of the following acts and things (which the Bank is expressly authorized to do from time to time without notice to Transferor): (i) any sale, pledge, surrender, compromise, settlement, release, renewal, extension, indulgence, alteration, substitution, exchange, change in,

Display Device      : K5  
User                : SMJ

CL9030B      Account #      57914401      CTA History Inquiry      Bank date      4/25/00  
Start Date (MMDDYY)      \*      SEMPLE REC      4/25/00

Posting Date	Tran Date	Tran Ext	Code Int	Batch Seq	Tran Amount	Post Amount	Loan Balance	Non-Balance Change	D #
033099	032599	1	1	1	.00	.00	.00	.00	*
033099	033099	21	21	Add New			.00	EQUIPMENT: CRUS	
033099	033099	21	21	Add New			.00	RD PARTY PLEDG	
033099	033099	21	21	Add New			.00	EXCAVATING & TR	
033099	033099	21	21	Add New			.00	SECURED BY IAE	
033099	033099	21	21	Add New			.00	RD PARTY PLEDG	
033099	033099	21	21	Add New			.00	BUILDING MOVERS	
033099	033099	21	21	Add New			.00	BY IAE	
033099	033099	21	21	Add New			.00	CORPORATE GAURA	
033099	033099	21	21	Add New			.00	SEMPLE EXCAVATI	
033099	033099	21	21	Add New			.00	SEMPLE BUILDING	
033099	033099	21	21	Add New			.00	PG: JAMES W SEM	
033099	033099	21	21	Add New			.00	TERRANCE SEMPLE	
033099	033099	77	77	Ant 1			.00	000025000	

F2=Customer      F3=Exit      F4=List      F5=Account      Top  
F7=Memo Post      F8=PLA Inquiry      F10=Top  
Press ROLL keys to continue.

LIBERTY

Print Key Output  
5769SSI V4R3M0 980729

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Display Device . . . : X5
User . . . . : SMJ

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CL9030B	CLA History Inquiry	4/25/00
Account #	57914401	4/25/00
Start Date	MMDDYY)	Bank date
		4/25/00

CL9030B	CLA History Inquiry	
Account #	57914401	
Start Date (MMDDYY)		<del>SAMPLE REC</del>

Posting Date	Tran Date	Tran Seq #	Code	Batch/Int	Tran Amount	Post Amount	Loan Balance	Non-Balance D Change
03/30/99	03/30/99	562	562	2150541	359000.00	359000.00	359000.00	
03/31/99	03/31/99	21	21	02 Desc			359000.00	3RD PARTY PLEDG
03/31/99	03/31/99	40	40	Emt Aut			359000.00	000732500
04/30/99	04/30/99	540	541	2080291	7325.00	2550.39	359000.00	
04/30/99	04/30/99	540	542	2080291	7325.00	4774.61	359000.00	
05/27/99	05/27/99	540	541	2140211	7325.00	2191.77	354225.39	
05/27/99	05/27/99	540	542	2140211	7325.00	4774.61	354225.39	
07/06/99	07/06/99	540	541	2360288	7325.00	5133.23	349092.16	
07/06/99	07/06/99	540	542	2360288	7325.00	3200.01	349092.16	
07/27/99	07/27/99	540	541	2110358	7325.00	4124.99	344967.17	
07/27/99	07/27/99	540	542	2110358	7325.00	1660.16	344967.17	
08/19/99	08/19/99	77	77	Date 1	7325.00	5664.84	339302.33	
08/23/99	08/23/99	540	541	2350046	7325.00	2099.43	339302.33	071399
08/23/99	08/23/99	540	542	2350046	7325.00	5225.57	339302.33	
08/23/99	08/23/99	540	542	2350046	7325.00	2999.43	334076.76	

F2=Customer  
F3=Exit  
F4=List  
F5=Account  
F6=PLA Inquiry  
F7=Memo Post  
F8=PLA Inquiry  
F9=Roll Back  
F10=Top  
F11=Bottom  
Press ROLL keys to continue.

## Semple Recycling & Crushing

91 Ridder Circle

St. Paul, Minnesota 55107

651-772-1449

November 4th, 2003

Invoice # 1977

Ti-Zack

39352 221st Ave

Le-Center, Minnesota

56057

10/20/03	Dump Concrete Class 5	11 lds @ \$ 25.00 20 yds @ \$ 5.50 7 % Sales Tax	\$ 275.00 \$ 110.00 \$ 7.70
10/21/03	Dump Concrete Class 5	7 lds @ \$ 25.00 20 yds @ \$ 5.50 7 % Sales Tax	\$ 175.00 \$ 110.00 \$ 7.70
10/22/03	Dump Concrete Class 5	12 lds @ \$ 25.00 40 yds @ \$ 5.50 7 % Sales Tax	\$ 300.00 \$ 220.00 \$ 15.40
10/23/03	Dump Concrete Class 5	11 lds @ \$ 25.00 25 yds @ \$ 5.50 7 % Sales Tax	\$ 275.00 \$ 137.50 \$ 9.63
10/24/03	Dump Concrete	7 lds @ \$ 25.00 7 % Sales	\$ 175.00 \$ 12.25
10/27/03	Dump Concrete Class 5	4 lds @ \$ 25.00 10 yds @ \$ 5.50 7 % Sales Tax	\$ 100.00 \$ 55.00 \$ 3.85
10/28/03	Dump Concrete	3 lds @ \$ 25.00	\$ 75.00

Total Amount Due: \$ 2,064.03

Terms: Due Upon Receipt

1.5 % Finance Charge on All Past Due

Please Make Check Payable TO:

Semple Recycling & Crushing LLC

DUMP TRUCK

# Simple Recycling

91 Riöder Circle  
St. Paul, MN 55107  
651.772.1449

Company:

T1-Zack

Date:

10/20/03

Driver:

Truck #

607-721

St Paul

#	From Where?	To Where?	Yard	Tons	Material				
1	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W1	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W3	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W4	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W5	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W6	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W8	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W8	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W5	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W5	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
W5	Concrete	IN	Tandem		CL-5	SAND	1 1/2"	FILL	DUMP
12					CL-5	SAND	1 1/2"	FILL	DUMP
13					CL-5	SAND	1 1/2"	FILL	DUMP
14					CL-5	SAND	1 1/2"	FILL	DUMP
15					CL-5	SAND	1 1/2"	FILL	DUMP
16	Class 5 out		10		CL-5	SAND	1 1/2"	FILL	DUMP
17	Class 5 out		10		CL-5	SAND	1 1/2"	FILL	DUMP
18					CL-5	SAND	1 1/2"	FILL	DUMP
19					CL-5	SAND	1 1/2"	FILL	DUMP
20					CL-5	SAND	1 1/2"	FILL	DUMP
TOTAL AMOUNTS									

Willy

**DUMP TRUCK****Semple Recycling**

91 Ridder Circle  
St. Paul, MN 55107  
651.772.1449

Company: \_\_\_\_\_

*T1-ZACK*

Date: \_\_\_\_\_

*10/21/03*

Driver: \_\_\_\_\_

Truck # \_\_\_\_\_

*St Paul*

#	From Where?	To Where?	Yard	Tons	Material				
1	CONCRETE	IN	TANDEN		CL-5	SAND	1 1/2"	FILL	DUMP
2	Concrete	IN	TANDEN		CL-5	SAND	1 1/2"	FILL	DUMP
3	Concrete	IN	TANDEN		CL-5	SAND	1 1/2"	FILL	DUMP
4	Concrete	IN	TANDEN		CL-5	SAND	1 1/2"	FILL	DUMP
5	Concrete	IN	TANDEN		CL-5	SAND	1 1/2"	FILL	DUMP
6	Concrete	IN	TANDEN		CL-5	SAND	1 1/2"	FILL	DUMP
7	CONCRETE	IN	TANDEN		CL-5	SAND	1 1/2"	FILL	DUMP
8					CL-5	SAND	1 1/2"	FILL	DUMP
9					CL-5	SAND	1 1/2"	FILL	DUMP
10					CL-5	SAND	1 1/2"	FILL	DUMP
11					CL-5	SAND	1 1/2"	FILL	DUMP
12					CL-5	SAND	1 1/2"	FILL	DUMP
13					CL-5	SAND	1 1/2"	FILL	DUMP
14					CL-5	SAND	1 1/2"	FILL	DUMP
15	1/10 OUT		10 YDS		CL-5	SAND	1 1/2"	FILL	DUMP
16	CLASS 5	OUT	10		CL-5	SAND	1 1/2"	FILL	DUMP
17					CL-5	SAND	1 1/2"	FILL	DUMP
18					CL-5	SAND	1 1/2"	FILL	DUMP
19					CL-5	SAND	1 1/2"	FILL	DUMP
20					CL-5	SAND	1 1/2"	FILL	DUMP
			TOTAL AMOUNTS						

*Willy L*

## CITY OF SAINT PAUL

## Application for Nonconforming Use Permit for 91 Ridder Circle

STATE OF MINNESOTA )

)

COUNTY OF RAMSEY ) -


I, James Semple, being first duly sworn, do hereby state as follows:

1. I am an owner of Semple Enterprises, located at 91 Ridder Circle in Saint Paul, Minnesota.
2. I am a third generation City of Saint Paul business owner.
3. I have worked for Semple Recycling and Crushing for 10 years.
4. Semple Enterprises is a real estate partnership owned by James Semple, Julie Semple, Terry Semple and Denise Semple. Semple Enterprises leases their land to Semple Excavating & Trucking, Inc., Semple Building Movers, Inc. and Semple Recycling & Crushing, LLC.
5. Concrete and asphalt processing is an accessory use to the Semple Excavating & Trucking, Inc. and Semple Building Movers, Inc.
6. In 1999, Semple Excavating & Trucking, Inc., Semple Building Movers, Inc. James Semple and Terry Semple formed a limited liability corporation called Semple Recycling & Crushing, LLC and purchased a concrete and asphalt processor.
7. Since 1999, Semple Recycling & Crushing, LLC has traded in and purchased new crushers in order to meet the needs of processing an increased volume of materials and also to replace processors that are worn down.
8. Semple Recycling & Crushing, LLC has possessed a total of four (4) concrete and asphalt processors.
9. Ever since this first processor was purchased in 1999, Semple Recycling & Crushing, LLC has used it on its property at 91 Ridder Circle at least three (3) times per year.
10. It is the business practice of Semple Recycling & Crushing, LLC to use the processor about four (4) times a year at 91 Ridder Circle in order to properly maintain the processor and also to minimize the dust and noise. The concrete and

asphalt processor is a mobile unit that does on-site recycling all over the state, when it is not at 91 Ridder Circle.

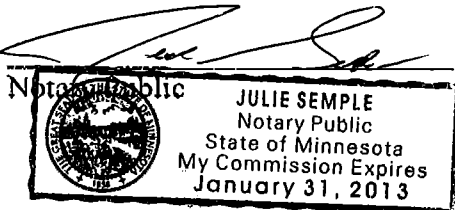
11. When the concrete and asphalt processor is in use at 91 Ridder Circle it is used Monday through Friday during daylight hours only to prevent disruptive noise. The dust produced by the processor is controlled with water on the conveyor, a water truck and also fire hoses to prevent excessive dust from dispersing.
12. Semple Excavating & Trucking, Inc. and Semple Building Movers, Inc. regularly hauls asphalt and concrete from their job sites back to 91 Ridder Circle and allows these materials to accumulate until the processing is done at the Semple Enterprises property by Semple Recycling & Crushing, LLC.
13. If Semple Recycling & Crushing, LLC was not permitted to continue processing at 91 Ridder Circle it would suffer hardship because of the costs it would have to incur in hauling the concrete and asphalt out of Saint Paul, including fuel and maintenance costs for the trucks, and also additional labor costs in paying the employees to drive farther distances to and from job sites.
14. Allowing Semple Recycling & Crushing, LLC to continue processing at 91 Ridder Circle financially benefits the City of Saint Paul because Semple Recycling & Crushing, LLC charges a sales tax on all of the materials it sells and part of those proceeds go to the City of Saint Paul.
15. Allowing Semple Recycling & Crushing, LLC to continue processing at 91 Ridder Circle benefits the City of Saint Paul because it reduces pollution caused by unneeded hauling and it reduces the wear and tear on city streets.
16. Asphalt and concrete processing is an environmentally sound business because the processed concrete and asphalt can be reused in constructing roads rather than dumped in landfills.
17. Using processed asphalt and concrete in roads is beneficial for the environment because entities are able to use recycled materials in construction rather non-renewable resources.

**Further your affiant sayeth not.**

  
**James Semple**

Subscribed and sworn to before me

this 15 day of October, 2009.



# METROPOLITAN AIRPORTS COMMISSION

Minneapolis-Saint Paul International Airport

6040 - 28th Avenue South • Minneapolis, MN 55450-2799

Phone (612) 726-8100



September 30, 2009

Denice Semple  
Semple Enterprises, Inc.  
91 Ridder Circle  
Saint Paul, MN 55107

**RE: Nonconforming Use Permit for Rock Crushing Near St. Paul Downtown Airport**

Dear Mrs. Semple:

You have requested the Metropolitan Airports Commission's consent approval relative to the Nonconforming Use Permit for property you own adjacent to the St. Paul Downtown Airport. This Nonconforming Use Permit is necessary to allow processing asphalt/concrete on site. It is our understanding that the crusher equipment used in this process will not conflict with continued operation of the airport based on the height of the crushing equipment and adequate provisions for dust control.

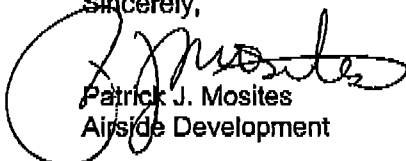
The proposed location of the crusher equipment, as discussed in our 30 September 2009 meeting, would be outside the Runway Protection Zone (RPZ) for runway 14-32. The RPZ is an area that the FAA requires the sponsor of an airport to keep clear of all obstructions when possible. Attachment (1) indicates the location of the RPZ relative to your property.

In conjunction with the City of St. Paul and South St. Paul, the MAC is in the process of establishing an airport zoning ordinance. Under this states model ordinance the presence of such equipment in State Safety Zone "A" would not be allowed. Attachment (2) which is the excerpt from Minnesota State Statue regarding airport zoning ordinances is provided. The St. Paul Downtown Airport Zoning Ordinance as presently drafted would propose shrinking Zone "A" to coincide with the RPZ. If adopted, this would allow the crusher to be located in the northern portion of your property which would fall within State Safety Zone "B."

The MAC will provide our consent approval for any location on your property outside of the RPZ; however, our approval is based on the condition that the final zoning ordinance which requires approval by the Commissioner, Minnesota Department of Transportation, preserves the revised State Safety Zone "A" coinciding with the RPZ. If this zoning ordinance is eventually enacted with the extent of all your property in State Safety Zone A, then at that time MAC would have to withdraw our consent approval and the permit should be revoked.

Please contact me if you have any questions.

Sincerely,



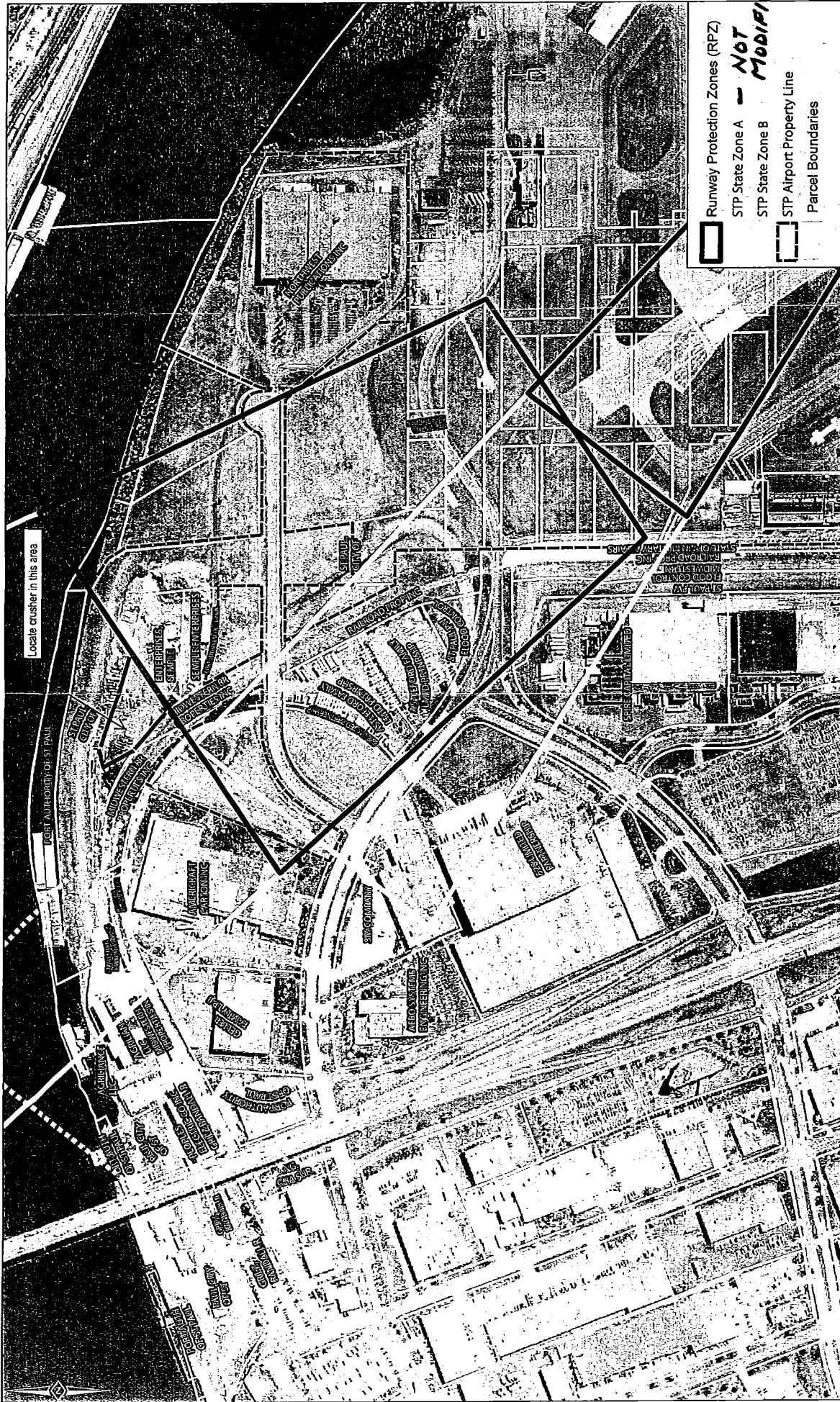
Patrick J. Mosites  
Airside Development

Enclosure

PM/ik

The Metropolitan Airports Commission is an affirmative action employer.  
[www.mspairport.com](http://www.mspairport.com)

Reliever Airports: ATRI LAKE • ANOKA COUNTY/BLAINE • CRYSTAL • FLYING CLOUD • LAKE ELMO • SAINT PAUL DOWNTOWN



Model Ordinance State Safety Zones and RPZs with 2006 Ortho Imagery and 2007 Parcel Boundaries

Runways 13 and 14 South of River

**Josh Williams - 91 Ridder Circle**

---

**From:** "Patterson, John"  
**To:**  
**Date:** 10/14/2009 9:20 AM  
**Subject:** 91 Ridder Circle  
**CC:** "Kelly Riggins"  
**Attachments:** "Kelly Riggins"

---

Sample is crushing at its Ridder Circle location without a conditional use permit. Sample has been warned many times about this, and each time has denied crushing activity. Attached are photos showing the illegal crushing on the weekend of October 3rd and 4th. Sample crushes on the weekends and moves its equipment off the site during the week so as to avoid detection. The concrete being crushed is contaminated with petroleum products which can pollute the ground and the river. Please require Sample to stop this illegal crushing activity. Let me know if you have any questions. John

John G. Patterson  
Fredrikson & Byron, P.A.  
200 S. Sixth Street, Suite 4000  
Minneapolis, MN 55402  
612.492.7379 direct  
612.492.7077 FAX

***\*\*This is a transmission from the law firm of Fredrikson & Byron, P.A. and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (612) 492-7000.\*\****







# International Union of Operating Engineers

LOCAL NO. 49, 49A, 49B, 49C, 49D, AND 49E  
MINNESOTA • NORTH DAKOTA • SOUTH DAKOTA

THOMAS H. PARISEAU, President  
JOSEPH L. RYAN, Vice President  
KYLE D. JONES,  
Recording-Corresponding Secretary  
JAMES J. HANSEN, Treasurer



GLEN D. JOHNSON  
Business Manager/Financial Secretary

Affiliated with the A.F.L. - C.I.O.

2829 Anthony Lane South, Minneapolis, MN 55418-3285  
Phone (612) 788-9441 • Toll Free (866) 788-9441 • Fax (612) 788-1936

October 15, 2009

To Whom It May Concern:

Semple Recycling is a company that has a small crushing operation which has been on-going for the last 11 years and which we, as operating engineers, have been employed at throughout those 11 years. Semple Recycling mostly services local contracts with sidewalk, curb and intercity street removal. It also allows residents to dump clean concrete product at their facility with no cost to the resident. With Semple Recycling being in a location that saves fuel and trucking costs, it is a real asset to city contractors and city contracts.

Sincerely,

James P. Lenart  
Area Business Representative

JPL/jml  
Opeiu #12

## BRANCH OFFICES

Box 279  
Bagley, MN 56621  
(218) 694-6206

2002 London Road  
Duluth, MN 55812  
(218) 724-3840

308 Lundin Blvd.  
Mankato, MN 56001  
(507) 625-3670

1765 County Road 16 SW  
Rochester, MN 55902  
(507) 535-5869

8881 North Enterprise Drive  
Virginia, MN 55792  
(218) 741-8190

2109 251st Street  
St. Cloud, MN 56301  
(320) 252-2162

2901 Twin City Dr.  
Mandan, ND 58554  
(701) 663-0407

650 2nd Ave NW  
West Fargo, ND 58078  
(701) 297-4663

101 South Fairfax Avenue  
Sioux Falls, SD 57103  
(605) 336-1952

308 Julius Street  
Lead, SD 57754  
(605) 717-4949

**Ti-Zack Concrete, Inc.**

39352 221st Ave.  
Le Center, MN 56057

Office 507-357-6463  
Fax 507-357-6096  
Mobile 612-328-0005  
Email [tizack@frontiernet.net](mailto:tizack@frontiernet.net)

**Memo**

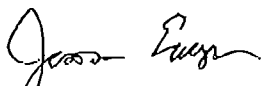
Date: October 12, 2009

RE: Semple Recycling and Crushing  
St. Paul, MN

To Whom It May Concern:

Our company has used the Semple Recycling and Crushing Plant for approximately the last ten years. It has been a great asset to us for dumping concrete and purchasing Class 5 Aggregate Base Material for use on city sidewalk projects.

Sincerely,



Jason Eager  
Vice-President  
Ti-Zack Concrete, Inc.



**Twin City**  
REFUSE & RECYCLING  
TRANSFER STATION  
SINCE 1973

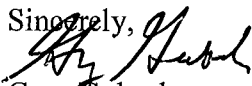
PHONE  
(651) 227-1549  
318 W. WATER ST.  
ST. PAUL, MINNESOTA 55107

10/12/2009

To whom it may concern:

We have done business with Semple Recycling & Crushing for the last ten years or so. They are very fair and honest with our company. They keep there yard neat and clean at all times and it is a pleasure to us a facility like that. They are a family owned business like our company, which is important for the city of St. Paul and the whole community. We consider them not only as a business we deal with but also our friends. We need to have their facility to continue running to keep prices down for all who contract and work in the city limits.

Sincerely,

  
Greg Gubash  
Manager

# Palda & Sons Inc

## GENERAL CONTRACTOR

C. H. Palda  
1947-1984

N. J. Palda  
President and Treasurer

Jay C. Palda  
Senior Vice President  
and Secretary

10-15-09

1462 Dayton Ave.  
St. Paul, MN 55104-6308  
(651) 644-1604  
Fax (651) 644-5599

Semple Recycling & Crushing LLC  
91 Ridder Circle  
St. Paul, MN 55107

To Whom It May Concern:

Palda and Sons, Inc. has been doing business with Semple Recycling and Crushing for a number of years including numerous transactions in 2009.

Palda and Sons, Inc. utilizes Semple's dumping facility as well as purchases recycled CI 5 materials from this facility for a variety of projects including all St. Paul projects. Our contracts with the City of St. Paul require materials and dumping facilities that Semple can provide. Not only is this an asset to Palda and Son, Inc. due to its convenient location and practical pricing it is also a financial asset to the City of St. Paul as they will receive better pricing for the product provided and the close haul for dumping.

In addition, all materials can be scaled at the Semple site giving the City of St. Paul and others an accurate and detailed register of the project that it is being purchased.

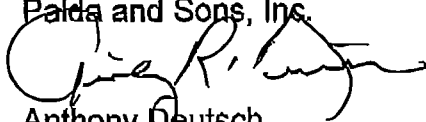
Furthermore, the owners and employees at Semple Recycling and Crushing are very professional and competent in all facets of the business. They are willing to assist Palda and Sons, Inc in any way needed to work together to achieve a goal.

In short, Palda and Sons, Inc. feels that Semple Recycling and Crushing, LLS is not only convenient to all parties that utilize this facility but also is a successful business asset within the City of St. Paul whom directly gains from it's knowledge in the industry, it's ability to provide competitive pricing and the convenience of their location.

If there are any questions with respect to this matter, feel free to contact me.

Thank you.

Respectfully Submitted,  
Palda and Sons, Inc.



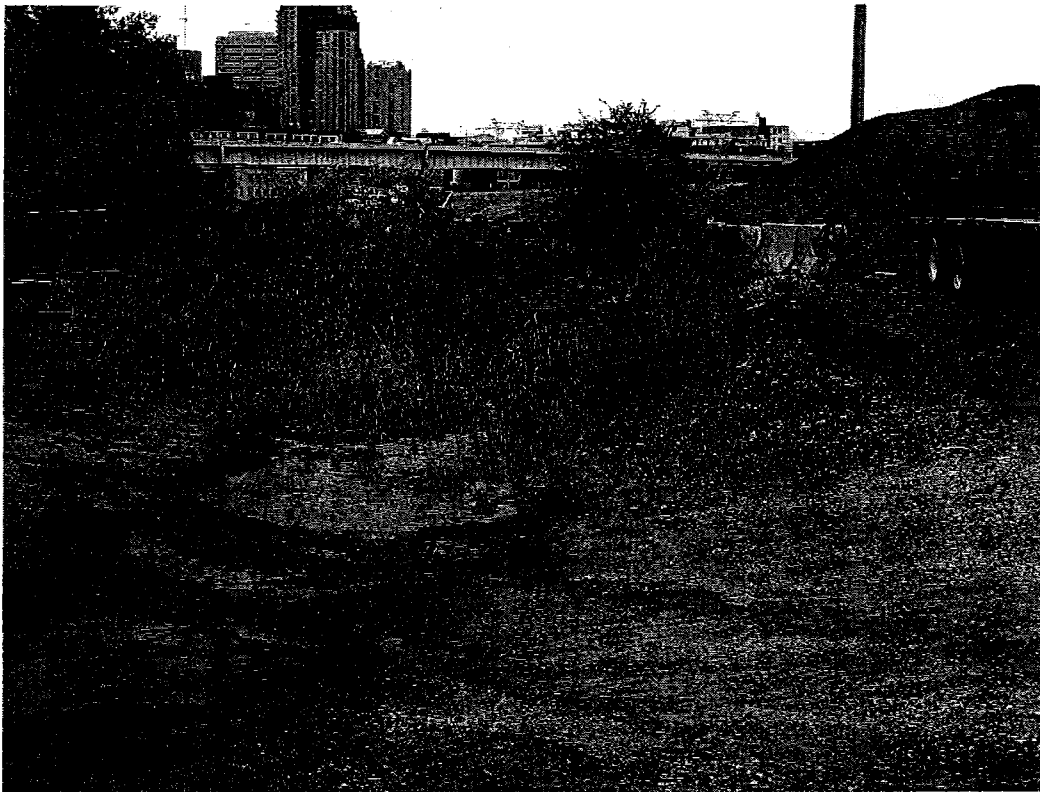
Anthony Deutsch  
General Superintendent

THIS COMPANY IS AN EQUAL OPPORTUNITY EMPLOYER-M/F



Pictures 1 and 2 :Western end of site, location of proposed crushing activities.

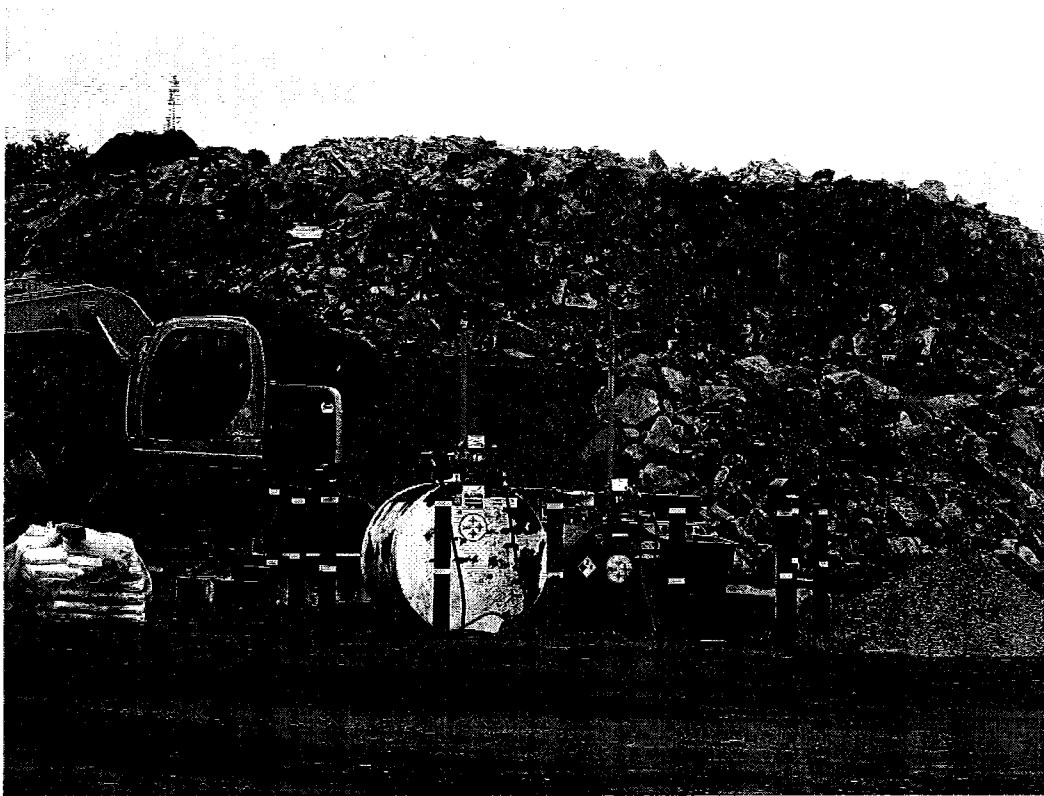




Picture 3: Looking northwest, across western end of site; at stormwater swale.

Picture 4: Looking east, at stormwater swale.

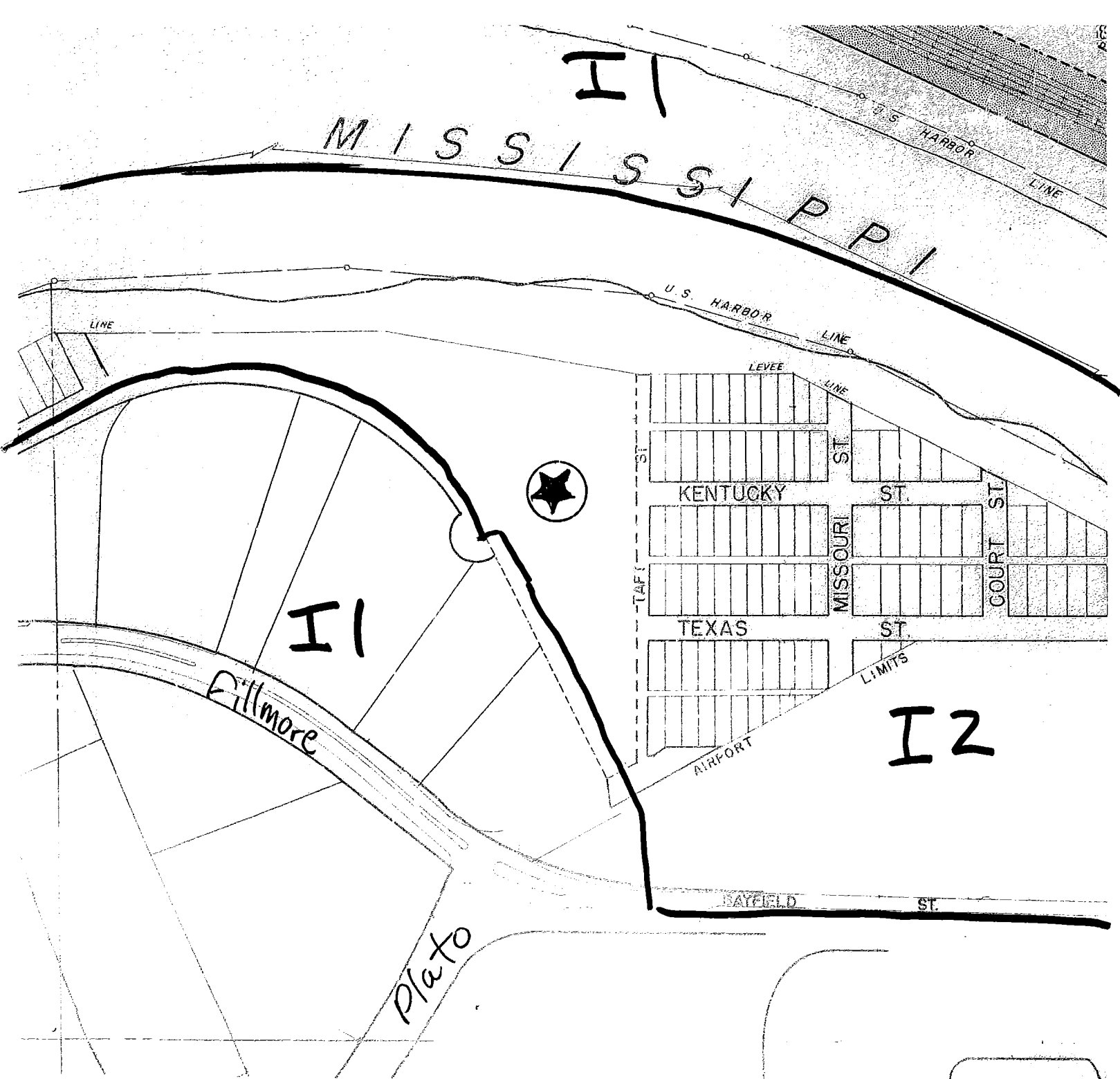




Picture 5: Piles of unprocessed concrete and asphalt, northeast corner of site.

Picture 6: Piles of unprocessed concrete and asphalt, maintenance facility (Pioneer Press facility in background).





APPLICANT Denice Semple  
 PURPOSE NeuP-Establishment  
 FILE # 09-293898 DATE 10-5-09  
 PLNG. DIST. 3 MAP # 22

SCALE 1" = 100'



#### LEGEND

zoning district boundary

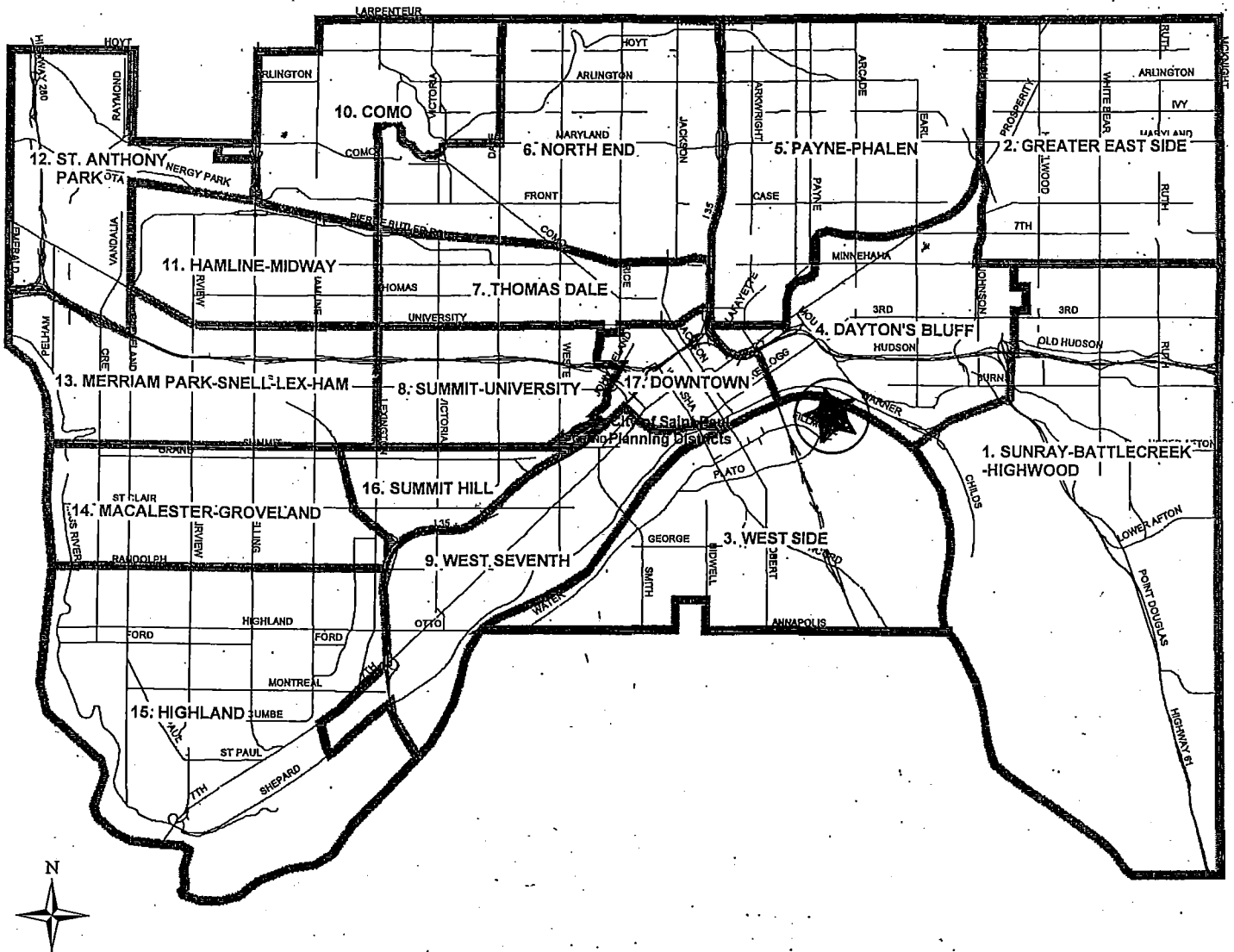
subject property

one family  
 two family  
 multiple family



commercial  
 industrial  
 vacant

# CITIZEN PARTICIPATION DISTRICTS



## CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#  
09-293898